

known Senator Sessions for. We are going to miss him in the Senate, but we couldn't be more proud of him as he begins this new position.

#### SENATOR-DESIGNATE LUTHER STRANGE

Mr. MCCONNELL. Mr. President, of course the departure of one Senator typically heralds the arrival of a new one. Today is no different. I hope colleagues will join me in welcoming Alabama's newest Senator later today, LUTHER STRANGE, who will be sworn in this afternoon.

You won't have much trouble finding him. He will be the tallest guy around here. Now, you would expect nothing different from a former college basketball player. Senator THUNE and Senator COTTON last night were somewhat distressed by the notion that they would be replaced by an even taller Senator, and that will happen later today.

LUTHER STRANGE, like the man who preceded him, is a devoted Eagle Scout. He shares his interest in the law too. He even argued successfully before the Supreme Court. It is notable experience to bring to any job, especially this one, and especially at a time when we are actively involved in the process of considering a new—and superbly qualified—nominee to the Court.

We are looking forward to the contributions that Alabama's newest Senator will make. He will have the chance to get started right away. We have important work to do, and that starts with confirming more of the qualified Cabinet nominees who are before us.

#### NOMINATION OF TOM PRICE

Mr. MCCONNELL. Mr. President, the nominee currently before us is the President's pick for Health and Human Services Secretary, Congressman TOM PRICE, a physician. Dr. PRICE knows more about health care policy than just about anyone. He doesn't just understand health care policy as a policymaker—although he does deeply—he also understands it as a practicing physician. He gets the real-world impact.

He has a clear-eyed view about Washington's capacity to do great harm, even with the best of intentions, just as he is excited about his potential to do great good.

He can start having a positive impact almost as soon as he is confirmed. He can start bringing stability to the health care markets ObamaCare has harmed. He can start bringing relief to the families ObamaCare has hurt. I know he is ready to get to work with Congress to move toward truly patient-centered health care—care that prioritizes the needs of patients over the needs of Washington.

The American Medical Association supports him and says: “[H]is service as a physician, state legislator and member of the U.S. Congress provides a depth of experience to lead HHS.”

The Association of American Medical Colleges supports him and says: “[H]e will bring a thoughtful, measured approach to tackling the wide range of issues affecting the nation's health.”

And the Healthcare Leadership Council couldn't be more enthusiastic. “It is difficult,” they said, “to imagine anyone more capable of serving his nation as the Secretary of Health and Human Services than Congressman Tom Price.”

That is high praise. It also happens to be accurate.

The American people need Dr. TOM PRICE applying his practical knowledge as a doctor and as a legislator at the Department of Health and Human Services, an agency in great need of new leadership.

This job is a big one. There is no doubting that. It requires overseeing some of the Nation's most important programs, like Medicare and Medicaid, and helping to protect public health at the CDC and helping to find cures at NIH and helping to ensure at the FDA that those cures can make it to the patients.

It is a big job, but TOM PRICE is the right man for it. We shouldn't wait a moment longer to confirm him. As soon as we do, we will turn to the nomination of Steve Mnuchin to lead the Department of the Treasury.

#### NOMINATION OF STEVEN T. MNUCHIN

Mr. MCCONNELL. Mr. President, I will have more to say about Mr. Mnuchin tomorrow, but let me say this. For the last 8 years, Americans had to endure an economy that failed to live up to its potential. Part of the problem was the regulatory avalanche of the last administration. It is time to finally move toward a modern regulatory framework instead, one that appropriately manages risks while promoting growth and job creation. The President has started providing relief already that will move us toward that goal. Steve Mnuchin can help do more.

He also has an important role to play in the effort to make our tax system simpler and more conducive to the kind of economic growth and job creation we should all want. It won't be easy to get that done. We need someone like Steve Mnuchin working with both parties to make it happen.

The Treasury nominee is smart, capable, and he has impressive private sector experience. We need him confirmed as soon as possible so he can begin to tackle these challenges and reverse the last 8 years of economic heartache.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROUNDS). Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services, which the clerk will report.

The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The Senator from Utah.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I will be happy to yield.

Mr. SCHUMER. I thank my colleague.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONGRATULATING SENATOR HATCH: THE LONGEST SERVING REPUBLICAN SENATOR IN AMERICAN HISTORY

Mr. SCHUMER. Mr. President, before our great friend from Utah gets up, I have other remarks; I will let the Senator from Utah speak before those. But I want to join my distinguished friend the majority leader in recognizing the Senator from Utah, who has become the longest serving Republican Senator in history.

We have been friends for a long time. He has given me guidance. He keeps telling me he is going to straighten me out one of these days—a work in progress, I guess we would think—but he is a terrific guy. He is a decent man. He is a caring man. He is an honorable man.

He has been a great partisan when he has to be, but he has shown tremendous independence on many different occasions. In fact, probably my mentor around here, Senator Kennedy, loved working with Senator HATCH, and they accomplished great things for America.

Even just recently, on an issue like Puerto Rico, there was not much gain for him personally. I don't think there is a large Puerto Rican population in Provo or Ogden. But he cared and he knew there was a problem. We spent late nights trying to figure out what to do, and while the solution may not have been as good as some of us would have wanted, it was a solution, and it wouldn't have happened without Senator HATCH. So we can say that on issue after issue after issue, he has risen to the occasion and has been the best of the Senate.

It is a fitting honor that he is here. Last time around, when he was not thinking of running, I think in the hearts of most Democrats there was hope that he would run again, and that was because we so esteem him.

I want to join the majority leader in congratulating Senator HATCH and wish him many, many more years of success both personally—I know he has a large and wonderful family, and we

have talked about our religious faith quite often—as well as a successful career.

With that, I will yield the floor and resume after Senator HATCH has had a few words to say.

The PRESIDING OFFICER. The Senator from Utah.

THANKING THE MAJORITY AND MINORITY LEADERS

Mr. HATCH. Mr. President, I want to thank the distinguished majority leader and the minority leader. I didn't expect this today; I was just happy to be in the Chair. But it was certainly nice of them to say such nice things. That means a lot to me, and I am sure it will mean a lot to my wife Elaine and our family.

I have a great deal of respect for both leaders. Senator MCCONNELL is a very close friend and a wonderful leader. I don't think we have had a better leader than he in my time in the Senate.

I will not go on and on, but Senator SCHUMER and I have been friends for a long time, and I believe he is one of the great Senators here. I hope we will be able to work together on a lot of things in the future. I hope we can get out of this rut we are in right now so we can work together, so we can feel good about being here, and so we can help this country.

I thank both the majority leader and the minority leader for their kind remarks. I didn't expect those, and I was a little shocked that they would say these things this morning, but I am very grateful to both of them. I want to thank both of them for being my friends.

I yield back to the minority leader.

Mr. SCHUMER. Mr. President, I thank my friend for his kind words and, most importantly, his distinguished service to his country. Now on to other subjects.

THE PRESIDENT, THE TRAVEL BAN, AND AN INDEPENDENT JUDICIARY

Mr. President, I rise on a few topics. First, our President has shown a deeply troubling lack of regard for an independent judiciary. He criticizes individual judges in the court system in general. He has gone so far as to preemptively blame future terrorist attacks on the judiciary for putting a stay on his Executive order. I have not heard a President—I can't recall a President in history doing something like that, certainly not in my lifetime.

Let's look at the facts.

Our President all too often seems fact averse. I have experienced that personally, but much more importantly, in general. Not one terrorist attack has been perpetrated on U.S. soil by a refugee from one of these countries—not one.

Since 1975, 3,024 Americans have been killed on U.S. soil in terrorist attacks. I know that painfully because some of them are people I knew who died on 9/11 in that awful, vicious, horrible attack that still stays with me every day I wear the flag, this flag on my lapel in memory of those who were lost, and

have since 9/12/2001. So I am aware of the danger of terrorists. But of those 3,024 Americans killed, zero of these deaths were the result of an attack by a person from one of the countries listed in the ban. Do you know where I got that information? Not from some liberal publication but from the libertarian-leaning Cato Institute. I hope the President is not going to attack them now.

What are the threats of terrorism? The great threats, if you ask the experts, are two things above all: the lone wolves and the visa waiver program. The lone wolves caused the terror recently in both San Bernardino and Orlando. They were American citizens importuned by the evil ISIS—American citizens who were probably disturbed or off base in a lot of ways. ISIS propaganda got to them, and they acted. Nothing in the President's proposed law would have stopped them, even if it were in effect.

The visa waiver program is the gaping hole. The visa waiver program tells 29 countries that they can send people here without going through extensive checks and background checks. They are mainly countries that are friendly, such as the countries of the EU. But what has happened recently is that those countries have become a place of refuge for terrorists. People trained by ISIS, Belgian citizens, French citizens perpetrated the horrible attacks in those countries. One of those terrorists could, God forbid, get on a plane, come to America with few questions asked. The President's proposal does nothing to stop that. The President's proposal, if anything, encourages lone wolves because it makes them even more out-cast. Those are not my words; they are Senator JOHN MCCAIN's words, and he is one of the greatest experts in this body and in this country on terrorism.

If the President wants to do something on terrorism, instead of these back-of-the-envelope, quickly and shabbily put together proposals, he ought to study it, talk to the experts, and certainly close these two loopholes or greatly decrease the danger of terrorism from these two places.

To blame judges for future attacks because they didn't pass this law when not a single American has died because of people coming from these countries and to leave open these other two gaping loopholes—I want to work to close them right now. I will work with the President. I will work with Senator MCCAIN. I will work with our Republican colleagues; we all will on this side of the aisle. But the President put together something that didn't seem to have much thought, didn't seem to have much coordination. Despite the fact that the admirable General Kelly took the lance and said "I'll take the blame"—we all know that didn't happen. He was not consulted at length nor was his Department.

The President seems to preemptively say: Well, if there is terrorism, blame the judge. It is dangerous for him to

say this. It is dangerous because it diverts us from going after the big gaping loopholes of terrorism—lone wolves and the visa waiver program.

It also underscores the fact that we need judges who are going to be independent of this President. If this President can attack the judiciary the way he does, if this President has so little respect for the rule of law or for separation of powers, our last and best refuge is the courts.

So in my opinion, this new nominee to the Supreme Court has to pass a special test: true independence from the President. I worry that he doesn't have it. His answers to my questions—I won't go into them today—were disappointing in terms of that independence. You can't just assert "I am an independent person," which he did. You have to show examples. I await them.

When I met him, he said: Well, I am disheartened. He said it to me, he said it to Senator BLUMENTHAL, he said it to Senator SASSE. To whisper in a closed room, behind closed doors to a Senator "I am disheartened," and not condemn what the President has done to the judiciary and not do it publicly—what he did does not show independence; it shows his ability to desire an appearance of having independence without actually asserting it. There is even more reason to do it now because the President—I don't know how; I don't know who told him about those meetings, but the President tweeted that Judge Gorsuch didn't say those things, as mild as they were and, at least in my opinion, as insufficient as they are to showing independence. To whisper to a Senator but to refuse to say anything publicly is not close to a good enough showing of independence.

From my view, it is not a good start for Judge Gorsuch—not a good start. I haven't made up my mind completely. I am willing to—there is going to be a process. There are going to be papers filed; there are going to be hearings. Judge Gorsuch may go further, but right now it is an uphill fight to get my support.

While this President is attacking everyone under the sun, most of it with no basis in fact, just assertions—and by the way, I will talk about this more later, but if we become a nation where facts don't mean anything, the sun will set on this great country.

We have always been a fact-based country. The Founding Fathers had different views, but they never disagreed on the facts as they debated issues in Philadelphia, for the Declaration, for the Constitution. In this Chamber, where we have had great Senators—the Clays, the Websters, the Calhouns—they never disputed the real facts. Neither, in my opinion, has any President, Democrat, Republican, liberal, conservative, until this one, and he just seems to make it up as it goes.

Today he attacked not only my colleague Senator BLUMENTHAL in what I thought was a cheap way, but he attacked JOHN MCCAIN, one of the most respected voices on national security.

JOHN MCCAIN voiced his views on what happened in Yemen. Most of the independent reports corroborate what JOHN MCCAIN said. The President, of course, said it was a great success. I don't know if anyone believes—he is saying so many things that are not fact-based that I don't know if anyone believes him anymore. It would be amusing, except it is not; it is sad, very sad.

It is not the first time he has impugned a Republican Senator. He has had harsh words for the Senator from Nebraska, BEN SASSE. BEN is one of the most independent, thoughtful Senators who I have ever come across on either side of the aisle. I really respect that man. We have spent some time together. We see each other in the gym.

He has attacked the Senator from South Carolina, my friend LINDSEY GRAHAM. He has attacked the Senator from Florida. He has attacked the Senator from Kentucky, the junior Senator from Arizona, and so many others.

I would ask my colleagues, who I know care about this Chamber—and the Senator from Utah's heartfelt plea that we can get over these bumps in the road and start working together is one I feel we share—but are we going to let this new President, who seems to have so little respect for other institutions and people, other than himself, oftentimes; are we going to let him force us to change the rules of this great body? Are we going to let him force us to change the rules of this great body? He immediately demanded a changing of the rules on the Supreme Court. I hope not.

In conclusion, I hope these attacks on an independent judiciary are restrained. I hope my colleagues will join some of us in voicing discontent with those attacks and asking the President to cease and desist. I hope the President himself will stop attacking Senators personally, whether it be the Democratic Senator from Connecticut or the Republican Senator from Arizona—which just happened this morning. I hope we will not let the President intimidate us into changing the way this body works and instead try to come together, not let him divide us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

THE PRESIDENT AND WORKING TOGETHER IN THE SENATE

Mr. HATCH. Mr. President, this has been a nice morning for me. To have both the majority leader and the minority leader say such nice things means a lot to me.

Having said that, let me just say I am concerned about this body and how it is going. I am also concerned about the President. I personally wish he would choose his words a little more carefully because everybody in the world pays attention to the President of the United States.

On the other hand, I kind of find it refreshing that he doesn't take any guff from anybody. I like that. He is a

person who speaks his mind, but I have also seen him change his mind after saying he was for something and change it when he got more facts.

He is a brand new President coming right out of the private sector. He is picking excellent people for his Cabinet. I don't know that I have ever seen any President pick better Cabinet members than he has, not the least of whom will be the two who should go through before the end of this week. Congressman PRICE is a tremendous choice. As both leaders had indicated, he probably has as much knowledge about our health care system as anyone on Earth.

Steve Mnuchin—I didn't even know Steve Mnuchin, but I spent hours with him. I have to say he is brilliant. I said to him: You know, Steven, you are going to lose a lot of money by taking this job. He said: I don't care. I want to serve my country.

I was refreshed by this attitude to the point that I am going to help him every way I can to become the greatest Treasury Secretary we have ever had. I will tell you one thing, he does understand a lot about money. He understands a lot about Wall Street. He understands a lot about business acquisitions and business matters. He is a practical person, as is our President.

I don't know that we should be so sensitive sometimes because he oftentimes repeals what he said afterward, and I find that refreshing too. I happen to like this President. I think he is a refreshing new leader for this country. He is not going to play these same old games that almost everybody who has been President has played.

He reminds me a lot of President Reagan in that regard. Of course, Reagan had been a Governor before he came here and a good Governor, but he didn't take himself too seriously, and he would say some things that got him in trouble from time to time too. They all have, haven't they? I guess, being President, every word you say is being carefully weighed.

This President is going to have to realize that as well. I think he will. He is a very bright man. I think we are lucky that we would have somebody come out of the private sector into the White House, with all the flaws, and flaws that people are finding with Donald Trump, and be willing to take the criticisms and fight back sometimes. Is he perfect? No. Is he ever going to be perfect? No, he is not, but neither will any of us ever be perfect.

I will say this. A lot of us have more experience than he has. On the other hand, in my eyes, isn't it wonderful to have someone who has been immensely successful in the private sector—who has had some very tough realities in the private sector, who has had his ups and downs in the private sector, who understands pain, who understands exhilaration—isn't it wonderful to have someone like that who just may be able to pull this country out of the stinking mess it is in, a mess caused by

a superabundance of bureaucracy, by arrogant Members of Congress, and by very liberal States that are dependent upon the Federal Government rather than upon themselves? I could go on and on and on.

Let us give this President a little bit of a chance. Above all, let us give him his Cabinet and let us quit playing these games. I know some on the Democratic side must feel they are making headway by playing these silly games, knowing that these Cabinet officials are going to go through while they stopped them from being able to do the job that needs to be done. They have made it more difficult than any President I recall in my time in the U.S. Senate. They are treating this President in a very belligerent, awful way. So I think we ought to give a little bit of leeway for him to make some verbal mistakes from time to time—even though we all wish he wouldn't.

I will say I think it is time for this body to start working and, more importantly, start working together. There is nothing we cannot do if we work together. We can save this country if we work together. We could have a better attitude in this country if we will work together. We can be an exemplar for the rest of the world if we work together.

Look, there is no excuse for these two big fights that are going on. I like big fights on the floor. I like big fights in committees. Sometimes out of those fights comes very good legislation or very good approaches to government. It is good for us to go at each other from time to time. But to make it impossible for a President to have his Cabinet early on? There is something wrong with this approach.

Some people are using this particular situation to enhance their ability to run for President.

I will say it would be wonderful if, once again, we could get Democrats and Republicans to work together. I remember in the early days, when I became one of the youngest committee chairmen of a major committee in history, when I became chairman of the Labor and Human Resources Committee—which is now the Health, Education, Labor, and Pensions Committee—there were nine Republicans.

Senator Kennedy came over from the Judiciary Committee, which he had chaired, to become my ranking member. There were seven Democrats, including Senator Kennedy, but two of our Republicans from the Northeast were from States that were quite liberal then. I couldn't blame them, but I knew that Kennedy had the 9-to-7 ideological edge. I was going to be chairman, and I could determine some things, but I wasn't going to be able to get much done unless I had some help from Senator Kennedy.

Senator Kennedy was not known for being cooperative up to that time. He was not known as a person who really aligned with Republicans to try to get things done. He was known as a bomb

thrower and as somebody who really was one of the most articulate, liberal Democrats in this body.

In his own way, he was a very interesting and good Senator, but he was not known for bipartisan work at that time. When he came over and said: I will work with you, there are some things I can't do—meaning the unions, the feminists, et cetera—but I will help you, that is how the Hatch-Kennedy relationship began and began to bear fruit.

It could not have happened, except for two tough people with differing principles who were willing to get together and set aside their differences and do some things that were not only important to the country but beneficial to the country. We were known as the odd couple. He would laugh about that in public and say: We are known as the odd couple. I would always point to him and say: We all know who the odd one is, don't we.

He would laugh. He was a fun guy to be with. When he was serious about something, he could be a formidable challenger, but he earned the right to be that. He didn't just pop off because he wanted to be President. He earned the right, he earned our respect, and he earned my respect. From that time forth—he was considered a very great Senator at that time, but he was not considered a great legislator. He went on from there and became a great legislator. I know because we worked together on things that are law today and good laws today. He had to learn to be able to compromise to be able to get this type of work done—and so did I.

We have to earn respect here. It isn't just by popping off on the Senate floor, it is by working as hard as we can to do the best we can for our constituents, for the people in this country of both parties—of all parties—in the interest of everybody.

I wish we could get more of that back. I miss Senator Kennedy. I could talk to him. I could pull him off his liberal perch. I could get him to do things that nobody could get him to do up until that time, and he could get me to do some things I wasn't inclined to do at the beginning. But as we worked them out, we found out that some of the things we both agreed on—by pulling each other together—became some of the most important bills in history.

I would like to see more of that here. I wish to see us all start working together. A good way to do that would be to give the President the Cabinet he needs and wants. Maybe that is one reason why he is saying some things that those on the other side are finding fault with and maybe on my side are finding fault with. He doesn't have his Cabinet. As President, he doesn't have the advisers he needs. We are not helping him here—as President. We are not helping him get the people around him whom he needs. We are delaying, obfuscating, and fighting against people whom we shouldn't be fighting against.

In terms of Congressman PRICE and Steven Mnuchin, these are two ex-

tremely important men for two extremely important positions who are left floundering because we are unwilling to get the job done. If there were real arguments against them, that is another matter, but some of the phony arguments that have been brought up are just pathetic.

I remember when one of the Democrats wanted to be Treasurer of the United States. He had some real flaws. He even hadn't paid taxes in some ways, but he was a good person and wanted to serve his country. We worked out the difficulties, and he was able to serve as Secretary of the Treasury. I can name a number of others. If we want perfection here, we are crazy. Nobody is perfect, and everybody has some things that they wish they didn't have in their biography.

But I can say this: I was very disappointed in this body for holding up Jeff Sessions, who is a really good person. I haven't always agreed with Jeff Sessions, but I knew one thing: He was honest in his beliefs, and he was courteous in making his arguments. He did a lot of things that really were right. Frankly, the fact that we differed was kind of irrelevant because he was worthy of his position. I could go through a number of others.

Let me just say that I happen to be one of the people who really like the minority leader in this body. I think he could become one of the great leaders of this Senate. He is smart; we all know that. He is aggressive; we all know that. He has had some degree of success around here; we all know that. He represents a huge constituency; we all know that. He is a good man; we all know that. And he has a good family; we all know that. Let's get rid of some of the picayune fights around here, and let's start working together.

The majority leader, Senator McCONNELL, in my opinion, is the best majority leader we have had here in a long, long time. He is smart. He understands the system. He loves the Senate. He is a very honest and good man. He is tough as nails. I am sure he has flaws, just like all the rest of us.

But these are two really potentially great leaders who could not only bring us together but could help us to save this country at a time when it needs saving, where we have \$100 billion in unfunded liabilities—I mean trillion dollars; not billion, trillion dollars—where we are deeply in debt. We are now \$20 trillion in debt.

These two gentlemen could bring us together and could help solve these problems if we would put the politics aside, for the most part. We have to have some politics here, or this would be an uninteresting body, but we don't have to have it on everything. If these two gentlemen could get together—they are both bright, they are both smart, and they both have given a lot of time to the U.S. Senate. I like both of them. I could say I love both of them. If they would really start working together, we could turn this coun-

try around. But to do that, the distinguished Senator from New York is going to have to be concerned about the national debt and the annual deficit, and the distinguished Senator from Kentucky is going to have to worry a lot about what motivates the Democrats and what we can do to find common ground with the Democrats.

I believe these two men can do that, and I am hoping with all my heart they will, and I am praying for them every day, that they might get together and that we might put aside party politics in favor of bringing this country out of the mess it is in. I believe they can do that, and I believe we can help them do that. I would like to see it done because we can't keep going the way we are going.

I actually believe the President will grow into becoming a great President, too, if we will help him a little bit rather than just fight everything he does or everything he says or try to criticize him every time he opens his mouth. I would like to see us show some respect for the President too.

I have a lot of respect for these two leaders. They are great men. But I would like to see them be greater so that they will work together. You will notice I am just saying "work together." I would like it to be this way, all the way together, but I will take this, if we could just get people to work together around here.

I have said enough. I just want these two leaders to know that I am pulling for both of them, and I am hoping we can still have our fights and still have our arguments and still have the enjoyable aspects around here of comradeship and working with each other. But I am hoping we can set aside some of these animosities and give the President his Cabinet and his leaders so that he has at least a shot at pulling this country out of the mess it is in. It is going to take a President Trump. It is not going to take another one of those—I believe President Trump is the person who is right for this time. I believe he will do a terrific job if we will help him. We will have differences, but I believe he will pay more attention, and I believe we will get better people to come into the government to help him to do this work and his job.

I may be a little bit naive in thinking that we can do all of this, but I think we can. And that is said by somebody who was told: You don't want to work with Senator Kennedy because he is a rock-ribbed liberal who doesn't really care about what Republicans like. Well, I found that by working with him and he found that by working with me we were able to do things that helped our country. It was partly because he was a prestigious Senator, no question, and partly because I am an active, hard-working, fighting Senator who kind of appealed to him because he knew he had somebody who would help fight these things through, and I was smart enough to be able to help him to get things done in better ways than they would have been done.

Well, I have said enough. I just love this body. I personally have been very moved by the kindness of the two leaders, and I just hope we can get together and do these things the right way. We are not going to go anywhere with constant bickering and fighting and the constant running for President that we have around here. I don't mind that. I mean, I think there is something to that, but it can't be every time a person opens his or her mouth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I rise today to say thank you. Republicans and Democrats have been talking for a long time this week, and perhaps that is productive. But without any question, from what we have seen, I think both sides would agree that the support cast has made this possible. I think it is important for us to pause for just a moment and say thank you.

We have pages who are juniors in high school here with us around the clock, and we want to say thank you to the pages. I think about the fact that we have law enforcement guarding this place so we can be here safely, all night long. We have Parliamentarians and clerks who have been at their places on and off over the last 4 days, nearly around the clock. I want to say on behalf of our side and the Democrats, I believe we all are very thankful and appreciative for your long hours and the time you have served us. Thank you for helping us represent the American people.

I would also like to point out a few people by name because these folks have been here for up to 57 hours straight—57 consecutive hours of doing their jobs. Captioning services: Sandra Schumm, Brenda Jameson, Doreen Chendorian, Jennifer Smolka, and Laurie Harris.

Official Reporters of Debates, 57 consecutive hours of work: Patrick Renzi, Susie Nguyen, Julia Jones, Mary Carpenter, Patrice Boyd, Octavio Colominas, Alice Haddow, Andrea Huston, Carole Darche, Desirae Jura, Megan McKenzie, Wendy Caswell, Diane Dorhamer, Mark Stuart, and Julie Bryan.

On behalf of a thankful Senate, we appreciate your time and your dedication to the American people, allowing us to do what we have been doing.

God bless.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, let me first of all say I echo the comments of my colleague from South Carolina. Thank you to all of you who have been working so hard.

I rise to yield the remainder of my postcloture time to Senator WYDEN.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I rise to yield the remainder of my postcloture time to Senator SCHUMER.

The PRESIDING OFFICER (Mr. SULIVAN). The Senator has that right.

The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate your flexibility during Senator HATCH's speech. I thank Senator DUCKWORTH and Senator CORTEZ MASTO for their evolving leadership and for their passion about these issues.

NOMINATION OF STEVEN MNUCHIN

Mr. President, I listened to Senator HATCH for many moments not so many moments ago, and I was pretty struck by his analysis of these two nominees who are about to come forward, Mr. Mnuchin and Congressman PRICE. I was struck by Senator HATCH's suggestions of their high ethics and honesty and ability to serve in these two exalted—he is right about that part—exalted Cabinet posts, the Secretary of Health and Human Services, Congressman PRICE, and the Secretary of Treasury, Mr. Mnuchin.

What struck me is that I was sitting in the same committee room as our respected chairman, Senator HATCH, and I heard these two nominees lie to the committee—lie to the committee; not sort of a Trumpian lie, not kind of at the edges, misspeaking or confusing things, but outright lied.

Mr. Mnuchin forgot that he had a \$100 million investment, I believe somewhere in the Caribbean. I don't know if too many staff here or even too many of my fellow Members who are better off than most of the country financially—I don't know too many people who would forget they had a \$100 million investment somewhere. He forgot to tell the committee that. That was pretty bad, but then he told the committee, in an answer to a question from me, that his bank, OneWest, where he was the CEO for a period of years, that they didn't do any robo-signings. Robo-signings are a way that his bank staff signed document after document after document, very quickly, without looking at those documents, and then ended up causing foreclosures in my State. Hundreds of people in my State lost their homes because of OneWest robo-signings, and he told the committee that he didn't do robo-signings until later.

The Columbus Dispatch, the most conservative newspaper in my State—a newspaper that almost never endorses a Democrat and a newspaper that has generally supported President Trump on most issues; sort of like when one bird flies off a telephone wire, they all do—and they talked about how Mr. Mnuchin lied to the Finance Committee.

So Senator HATCH talks about their integrity and what great public servants they are, except they lied to his committee.

My wife and I live in ZIP Code 44105, Cleveland, OH. That doesn't mean much to people listening, but my ZIP Code 10 years ago—my ZIP Code, in the first half of 2007, had more foreclosures than any ZIP Code in the United States of America. So I take that personally

when somebody comes in front of me and in front of a U.S. Senate committee and in front of the American people and lies about something he did that turned hundreds, if not thousands, in Ohio—we still don't have enough information about it—turned their lives upside down.

Imagine when you are foreclosed on—you probably can't if it hasn't happened to you. It hasn't happened to me, but I have heard people tell their stories. You go to your children and you say: We are going to have to move, honey. You are going to have to move school districts. I don't know where we are going to live. I don't know where your friends are going to be; you are going to be far from your friends. We have to move because our house has been foreclosed on. I was paying the mortgage, but this bank called OneWest did this to us.

So that is No. 1.

Then Congressman PRICE kind of didn't tell the committee the truth, either. You could say "lie" or you could use whatever term you want to use.

"Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company's official said, contrary to his congressional testimony."

This is sort of Wall Street Journal language for "lie" because he said this, and it said contrary to his testimony. In Cleveland, OH, or in Garfield Heights or in Cincinnati, we would say lie. They want to dress it up because they wouldn't want one of their people to be accused of something.

Congressman PRICE—I am pretty amazed. I know President Trump, Candidate Trump talked about draining the swamp. Draining the swamp—he says that, but it really does look like the White House is an executive retreat for Goldman Sachs, a retreat for Goldman Sachs executives and the people he has hired in the White House.

To hire two people who have these kinds of ethics—Congressman PRICE as a Member of Congress, a prominent Member of Congress in the House, as a Congressman working on health care issues, he bought and sold health care stocks profiting from it. In one case he got this special privileged offer that most people didn't get, and then he lied to the committee about it. That is bad enough, but look what he wants to be the Secretary of. He wants to be the Secretary of Health and Human Services. Why does that matter? Here is why it matters.

He has these views on Medicare that are so out of step with the country. For instance, he said in July 30, 2009, "Nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare." That sounds like the John Birch Society, 1965, when Medicare passed, overwhelmingly in the end because everybody saw how good it was, but they opposed it because it was socialism or some such term they used to describe Medicare.

I don't know too many people who actually receive Medicare—unless they are Members of Congress who really think that Medicare is socialism. Medicare has worked for—back in 1965—Senator DURBIN doesn't remember this as a Member of the Senate, but he remembers this figure I am going to give. In 1965, when LBJ signed Medicare, 50 percent of Americans 65 and older had no health insurance. Today that 50 percent has shrunk to less than 1 percent of Americans that age don't have health insurance. Think about that progress and what this means.

Congressman PRICE wants to be the head of Medicare. He wants to be the head of Medicaid. He wants to be the head of the agency that is going implement the Affordable Care Act if he can't repeal it. Think about this. He wants to privatize Medicare. He wants to voucherize it. He has voted consistently for Republican budgets in the House to do that.

Do you know what else he wants to do that is particularly offensive to me? It is offensive because we sit here and we dress well and we have good titles and we get paid well and we have insurance funded by taxpayers. He wants to raise the eligibility age for Medicare.

Look around my State. The Presiding Officer grew up not far from where I live in Cleveland, OH. He knows his adopted State way better, but he knows my State still, and he knows what this means. If you are a barber in Garfield Heights, you have to wait until 67, or even 70, according to Congressman PRICE, before you are eligible to draw Medicare. If you are a carpenter in Westlake, OH, you have to wait until you are 67 or 70 to draw Medicare. If you are working construction in Lima, OH, or if you are working a manufacturing plant in Mansfield, OH, if you are working retail in Cincinnati, OH, if you live in Zanesville and you wait tables in a diner, you are going to wait until you are 67 or 70 until you can draw Medicare.

That is what Congressman PRICE wants to do. Not only are his ethics challenged—that should be reason enough he should step aside. Buying and selling stocks, health care stocks as a Member of Congress while you are voting and helping those companies, that is bad enough, but what he wants to do to maybe the greatest program in American history, Medicare, is much, much worse because that affects people in those towns I mentioned—in Garfield Heights, Westlake, Zanesville, Cincinnati, and Mansfield, all over.

I hope I am healthy enough to continue working and continue serving in the Senate. The voters, obviously, would have to say that between now and then. I hope I can work until I am 67 or 70 in this job. I know a lot of people who work outside who are on their feet all day, who work with their arms and shoulders. They can't work until they are 67 or 70. It is immoral for Members of this body to support a candidate, to support somebody or to vote

for something like this that will raise the Medicare eligibility age.

I will close with this. I was in Youngstown one day at a townhall. A woman stood up. She was clearly in her early sixties. It turns out I could calculate her age from what she said. She put her hand up, she stood up, and I called on her. There were about 200 people there. She said: I work two jobs. I don't make a lot of money. I am getting by with two jobs. Neither of my jobs has health insurance. She said: I am 63. My goal in life—think about this. The pages, they are not thinking a lot about Medicare, but my colleagues think about this. She said: I am 63. My goal in life is to live 18 months more so I can get Medicare.

Think about that. Her life is such that her goal in life isn't to get to know her grandchildren better or help her kids out or maybe take a trip to New York City or even Cleveland, her goal in life is to live long enough to have Medicare.

I would like Congressman PRICE to meet her and Congressman PRICE to say: Well, lady, you know, your goal in life needs to be you can live 3½ more years so you can be 67 or 70 to get this. Think about the morality of this.

Congressman PRICE, I know him. I don't know him well. He is a nice enough guy. Voting for somebody who wants to raise the Medicare eligibility age, that to me is immoral. It shows how out of touch—I am guessing that most of my colleagues who will vote for Congressman PRICE have never sat down with somebody who would think it is a really bad idea, not to mention immoral, to raise the Medicare eligibility age.

I plan to join a lot of my colleagues in voting no on Congressman PRICE. I think it is the wrong move for our country. I think it is the wrong move for particularly seniors in this country who depend on Medicare and on Medicaid, people of all ages. It is clearly the wrong move for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, as I did last week, I rise again to support the nomination of Judge Neil Gorsuch to serve on the Supreme Court. As we know, he is an accomplished, mainstream jurist, and he is a worthy successor to Justice Antonin Scalia. I look forward to seeing him receive an up-or-down vote on the Senate floor. I truly hope that happens.

After meeting with Judge Gorsuch and learning more about his judicial philosophy, I continue to be impressed by his humble respect for the law and his commitment to service. Before the hearings in the Judiciary Committee, I wanted to take the opportunity to highlight one aspect of his jurisprudence that I find particularly important: the separation of powers.

To hear some of our friends on the other side of the aisle, Judge Gorsuch

represents two equal yet opposing dangers to the country. First, they warn that he will lack any independence of thought or commitment to the Constitution. They allege that he would serve merely as a rubberstamp for President Trump and his agenda.

In the same breath, though, they claim he would engage in unprecedented judicial oversight of the Federal executive agencies. In other words, our colleagues on the other side of the aisle assert that Judge Gorsuch would be both too deferential to Federal agencies and not deferential enough.

The truth is, these warnings and accusations are entirely unfounded, and they appear to be grounded more in political calculations than in honest concern. For my part, I am excited about the prospect of confirming a Justice who not only represents the separation of powers but reveres it as one of the central principles of the Constitution.

A commitment to our constitutional separation of powers could not come at a more crucial time, as executive branch agencies have increasingly accumulated power and autonomy over the years. Both the Congress and the Federal judiciary bear responsibility for this.

Legislatively, Congress simply cedes too much of its own lawmaking power to the executive branch. We have been doing that for years. These agencies have been legislating through Federal regulation. In turn, Congress has allowed unelected bureaucrats to create law and determine how that law should be implemented.

We have to stop this erosion of our article I power. Congress needs to take ownership of its lawmaking authority and reverse this dangerous trend toward governance by executive fiat. That is only part of the equation. The Federal judiciary needs to use its constitutional prerogative to rein in the executive branch.

Ever since the 1980s, Federal courts have grown far too deferential to executive agencies. Under a doctrine known as Chevron deference, the courts defer to agency decisions if it makes "reasonable" regulations based on "vague" statutes.

In fact, this means that when the Federal courts consider an agency decision, the judges have a new catchphrase: "The agency is always right." This should concern my colleagues on the other side of the aisle who voiced strong concerns about rubberstamping.

I don't think the Founders ever intended for two constitutional branches of our Federal Government to voluntarily cede the power to the third. Importantly, neither does Judge Gorsuch. Judge Gorsuch has written extensively both about delegation and deference in his role as judge on the Tenth Circuit Court of Appeals.

He addressed the issue of delegation in a recent case called *Caring Hearts Personal Home Services, Inc. v. Burwell*. In it, he noted:

Executive agencies today are permitted not only to enforce legislation, but to revise



and reshape it through exercise of so-called “delegated” legislative authority.

He continued:

The number of formal rules these agencies have issued, thanks to their delegated legislative authority, has grown so exuberantly, it's hard to keep up. The Code of Federal Regulations now clocks in at over 175,000 pages.

He noted that delegation presents both separation of powers problems and due process problems. The reason is simple. The executive is doing the work of the legislature.

In terms of due process, Judge Gorsuch wondered “whether and how people can be fairly expected to keep pace with and conform their conduct to all this churning and changing ‘law.’”

He further questioned: “What happens if we reach the point where even these legitimate legislating agencies don't know what their own ‘law’ is?”

Judge Gorsuch could not be more correct. With tens of thousands of pages published in the Federal Register every year, it is fair to wonder how any agency can be certain of the legal effect of its own rules. If the agencies that write these laws can't keep track of them, how can a small business owner in Arizona be expected to comply with the litany of ever-changing rules written by unelected bureaucrats?

Judge Gorsuch has also discussed the problem of deference and explained the proper relationship between Federal agencies and the judiciary. In his concurring opinion, in *Gutierrez-Brizuela v. Lynch*, Judge Gorsuch explained:

In enlightenment theory and hard won experience under a tyrannical king, the founders found proof of the wisdom of a government of separated powers.

He continued:

The founders considered the separation of powers a vital guard against governmental encroachment on the people's liberties, including all those later enumerated in the Bill of Rights.

Judge Gorsuch found *Chevron* deference inconsistent with this constitutional framework, which he called “no less than a judge-made doctrine for the abdication of the judicial duty.”

He concluded:

We managed to live with the administrative state before *Chevron*. We could do it again. Put simply, it seems to me that in a world without *Chevron*, very little would change—except perhaps the most important things.

The separation of powers is the most important feature of our constitutional system of government. When each branch of government serves as a check on the other, it fosters a more deliberative, judicious, and limited form of governance. As someone who embraces limited government, it is a privilege to support and confirm a judge like Neil Gorsuch who supports this philosophy.

As I have said before, and I will say again, Judge Gorsuch deserves fair consideration by those who serve in this body, and he deserves an up-or-down vote on the Senate floor. When he receives that vote, he will be confirmed overwhelmingly.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Illinois.

Mr. DURBIN. Mr. President, those following the proceedings of the Senate may be wondering what we are doing. Technically, we are considering the nomination of Congressman TOM PRICE of Georgia to serve as Secretary of Health and Human Services—a position he has been nominated for by President Trump. Other Members have come to the floor and discussed other nominees, as the junior Senator from Arizona just discussed the Supreme Court nominee, but I wanted to make sure I came to the floor for a few minutes to put my thoughts on the record about the nomination of Congressman TOM PRICE to be Secretary of Health and Human Services.

It almost seems like a natural fit. He is an orthopedic surgeon. This man obviously is gifted and talented and educated and skilled when it comes to the healing arts, and he made a living before his election to Congress dealing with complex surgeries. On that alone, he needs to have honest consideration from all Members of the Senate as we advise and consent to his nomination to Secretary of Health and Human Services. But he will not be entering surgery when he goes to the Health and Human Services Department, at least not the kind of surgery experience he has had in the past; he is going to be in charge of the most important health care programs in the United States of America. They are programs that literally tens of millions of Americans count on; 50 or 60 million Americans count on Medicare.

Medicare is that program created in the 1970s under President Lyndon Johnson that said: You don't have to reach a point in life where you are so old that you can't work anymore and therefore can't qualify for health insurance at your employment. We are going to create a program that is available for people who are 65 years of age called Medicare. You are going to be able to have health insurance coverage at age 65.

It was a dramatic change in the way we looked at health care in America, and it was controversial. The medical professions opposed Medicare. They argued that creating this health insurance plan for senior citizens—and later it was expanded to the disabled—meant socialized medicine, which meant that the government was going to make the decision about your health care—no longer you and your doctor; it would be the government making these critical decisions. So the American Medical Association and many others opposed the creation of Medicare.

Despite that opposition, the bill went forward and passed and became law. I would go out on a limb today as a politician and say it may be the most popular single political program, perhaps only second to Social Security, in the history of the United States. Overnight, it changed the treatment of our

parents and grandparents. There was a time—and there aren't many left who can remember it—when it reached the point where Grandma had to come and live with you because there was no place for her to go. She perhaps worked in life and perhaps hadn't. She had a limited amount of retirement. She had very modest, if any, Social Security. She was in and out of the doctor's office and hospital. And she was in the spare bedroom. I can remember that growing up as a kid. That was considered somewhat normal at the time.

In the 1970s, that started to change. It changed, obviously, with Social Security but also with Medicare. Now your grandmother had access to a doctor and a hospital, and it didn't cost her life savings. What a big change it meant. As we learned when Medicare was created, almost half of the seniors in America had no health insurance. Now that number is 1 or 2 percent.

Medicare has worked, and it has worked to give people longer lives. That is the real proof. I can brag about it all I care to, but the bottom line is that senior citizens, starting with the creation of Medicare, started living longer, more independent lives. Isn't that what every senior wants—decent, good health and independence in the way they live? Medicare has been the key to that.

It is hard to imagine that here in 2017 we are going to initiate another debate about whether America should have Medicare. Fifty years later, we are going to go through this debate all over again? Apparently so, because the nominee of President Donald Trump to be the head of the Health and Human Services Department, Congressman TOM PRICE of Georgia, has said some troubling things about Medicare.

In Politico, he said: “Nothing has had a greater negative effect on the delivery of health care than the Federal government's intrusion into medicine through Medicare.” What was he thinking? He obviously never looked at it from the perspective of someone of limited means who finally had a chance for the protection of health insurance at age 65. I met those people. One of them is a friend of mine. Her name is Judy. Judy lives in Southern Illinois. I met her because she is a sweet lady who is head of hospitality at a motel where I stay in Southern Illinois. She is a happy person with a big smile, and I have gotten to know her over the years. We became friends.

I came to learn one day that Judy has spent most of her life in jobs just like that. She is not a lazy person at all, but she is lucky to get part-time jobs. And when I met her at age 63, Judy told me, whispered to me once, “Senator, I have never had health insurance in my life.” That is a heart-breaking statement when you think about it, isn't it? This lady lived 63 years never once having health insurance. Then a couple of things happened. She asked me about the Affordable Care Act, ObamaCare. Was it good

for her or not? I told her that because her income was at a certain level, she was going to qualify for health insurance under the Affordable Care Act with no premium. She was brought into the Medicare Program at age 63. For the first time in her life, she had health insurance through the Affordable Care Act—a low-income wage earner, eligible for Medicaid at no expense to her.

And it didn't come a moment too soon. On one of my next trips down South, I saw Judy. She didn't look as healthy as she once looked. Turns out she had been diagnosed with diabetes. And at age 64, she was in need—desperate need of ongoing medical care or complications were likely to set in. It was shortly after that she qualified for Medicare. So Judy has coverage. Judy has a doctor. Judy has people who care about her in her life.

That is why I wonder what Congressman PRICE, who wants to be Secretary of Health and Human Services, is thinking. What is he thinking about people just like her?

Let's take a look at what we have before us with his nomination. This Department touches the lives of virtually every American, Health and Human Services. I talked about Medicare and Medicaid, but this is the Department that is responsible for medical research too—the National Institutes of Health, for example. This is the Department that oversees the Centers for Disease Control, and that is the agency which had to fight the outbreak of Ebola in West Africa. This is the Department that is in charge of promoting healthy births of babies in America and, of course, caring for our seniors I have spoken about.

On many of these issues I have just outlined, Congressman TOM PRICE of Georgia has made his views very clear. His legislative record and his core values as a Republican Congressman from Georgia are in contrast with the missions of the very Department President Trump has asked him to lead. Let's take a look.

New York Times said Congressman PRICE's views on the role of government in health care can "be summed up in one word: Less."

Congressman PRICE has spent his political career opposing many of the basic Federal health programs he is now being asked for permission to oversee. He has repeatedly voted against the Children's Health Insurance Program, which is a program that provides health insurance to 8 million kids in America. Even before passing the Affordable Care Act, we decided we were going to extend health insurance coverage to children, making a real commitment at the Federal level on a bipartisan basis to do it. Eight million kids are covered nationwide, 300,000 in Illinois.

Congressman PRICE has spent the last 6 years in a desperate attempt to repeal the Affordable Care Act, ObamaCare. If he were successful in

that effort, it would eliminate health insurance for 30 million Americans and lead to dramatic premium increases for those with health insurance. Last year, it was Congressman PRICE of Georgia who authored the repeal and retreat reconciliation bill that, thank goodness, was vetoed by President Obama. Bound and determined Congressman PRICE was to eliminate ObamaCare. And for 6 years, Republicans have never had a replacement. That is why they are changing their rhetoric. It went from repeal, to repeal and replace, and now it is repair. I can't keep up with them. But I will tell you, starting with repeal is inviting a disaster in health care in America and calling into question the health insurance coverage of 30 million people in our country. So if Congressman PRICE had his way, it would mean less funding, fewer services, and fewer people covered.

In addition to wanting to repeal our health care law, Congressman PRICE wants to fundamentally and negatively change Medicare and Medicaid. Those two programs together serve about one-third of the people living in America, 120 million. He wants to eliminate the Affordable Care Act's expansion of Medicaid.

Remember Judy? Her income was too low. She couldn't pay any health insurance premiums. But because her income was so low, she qualified to be brought into the rolls of Medicaid in Illinois. Over 600,000 people just like her were brought into protection of health insurance for the first time in their lives. This is one of our best tools for primary care for people who are in low-income situations—Medicaid.

Because we included in the Affordable Care Act a guarantee that health insurance would cover mental illness and substance abuse treatment, in some parts of my State where opioid addiction and heroin deaths are so prevalent, people with health insurance have access to substance abuse treatment. Congressman PRICE, who would repeal ObamaCare, would eliminate that guarantee in health insurance.

Repealing the Medicaid expansion that I mentioned earlier would put 650,000 Illinoisans out of insurance, and our State would lose \$37 billion in Federal funding over the next decade.

What impact does it have if a person shows up at an emergency room sick, with no insurance? In America, that person still receives care, but who pays for it? Everybody else. People with health insurance end up paying for those who receive care and don't pay for it. Medicaid makes sure that hospital receives a payment. So when Congressman PRICE wants to eliminate the coverage of Medicaid under the Affordable Care Act, it means less money coming into the hospitals across America. Some hospitals are big and prosperous, and they can take it; others cannot. In downstate Illinois, where I hail from, smalltown America, hospitals in those communities losing Medicaid, which Congressman PRICE

would eliminate, are going to have a tough time staying open.

The Illinois Hospital Association tells us we will lose 90,000 jobs if Congressman PRICE's plan to repeal the Affordable Care Act goes forward—90,000 in Illinois. I need not tell you they are the best paying jobs in downstate communities. So it is a job-killer, and sadly it endangers the health of the people who count on these hospitals.

What is he thinking? He is a doctor. He should be thinking in terms of what it means when you don't protect people with basic health insurance. Right now, if you qualify for Medicaid, you are guaranteed to get health care. Under Congressman PRICE's plan—the man who wants to be head of Health and Human Services—the guarantee is gone. Illinois would have lost \$14 billion in Medicaid funding if Congressman PRICE had his way.

Faced with far less Federal funding, the States would have to be forced to find ways to save money, even worse than what we currently have in our State. They might start Medicaid waiting lists or work requirements or cut benefits. Think about it. A person nominated to lead the Nation's premier health agency supports proposals that would take health care away from people.

It gets worse. Congressman PRICE wants to privatize Medicare. Be careful when you hear a politician stand up and say: I want to guarantee your access to health insurance. Well, I have access to a lot of things. I can walk onto the showroom floor of people who are selling \$85,000, \$95,000 cars. I mean, I have access to those showrooms. Can I buy one of them? No. I can't afford it. Most people couldn't. But I have access to it. So when they say you have access to health insurance, the obvious next question is, What kind of health insurance? And how am I going to pay for it? Watch out for that word "access." It is a loaded political word.

Just the other night my colleague BERNIE SANDERS was debating Senator TED CRUZ of Texas, and darned if Senator CRUZ didn't come up with that word, saying we have to make sure every American has access to health insurance. No, we have to make sure every American has health insurance. How about that? Health insurance they can afford that is worth buying.

Congressman PRICE wants to privatize Medicare. So instead of having a government-run program for tens of millions of Americans, he wants to put seniors and the disabled in America back in the loving arms of health insurance companies. How about that? Do you remember a time when you or your family was on the phone with somebody, begging them for health insurance coverage, waiting and waiting and waiting for your turn? That is what he thinks is access, and that is what he believes is good health insurance. I don't. Ending the guarantee of Medicare for hardworking American seniors and handing them a voucher



and wishing them good luck on finding their own insurance—that may be access, but it is not protection.

The point of voucherizing Medicare is to save the government money by forcing seniors to pay more out of their own pockets. That is Congressman PRICE's approach, and now he wants to head up the agency in charge of Medicare. Don't take my word for it. He said: "Nothing has had a greater negative effect on the delivery of health care than the federal government's intrusion into medicine through Medicare."

Since 1965, when we created Medicare, listen to what has happened. Before Medicare, 51 percent of Americans 65 or older had health care coverage and nearly 30 percent lived in poverty. That is before 1965. Today, 98 percent of seniors have health care coverage, primarily because of Medicare. Fewer than 10 percent live below the poverty line. It has made a dramatic difference in their quality of life, the length of their lives, and the independence they enjoy in their lives.

In addition, by ensuring access to care for more people, Medicare has contributed to life expectancy—5 years higher today than it was in 1965. So Medicare has helped ensure more seniors have health insurance, fewer seniors are living in poverty, and people are living longer. Is that what Congressman PRICE considers a "negative effect on the delivery of health care"?

There are so many different issues where Congressman PRICE has taken what I consider to be radical and extreme views, particularly when it comes to health care. I won't go through the long list, but I will say this. We debated the future of Medicare when I was a member of the Simpson-Bowles Commission. We were looking at the deficit situation facing our country and looking, as we should, at entitlements. Many of us said at the time: Be careful about raising the eligibility age for Medicare. For a Congressman or a Senator, a couple more years at a desk before you qualify for Medicare is not a big ask. But if you happen to be a waitress on her feet every day, suffering from arthritis or some other issues, 2 more years in the workplace literally are backbreakers. If you happen to be driving a truck, making deliveries, changing the Medicare eligibility age from 65 to 67 or 70 is where you are going to get in trouble. That is where people actually are going to face a hardship.

Sadly, Congressman TOM PRICE of Georgia doesn't get it. He doesn't understand that part of it. Because he doesn't, I am going to be opposing his nomination and watching carefully and closely.

There is going to be a battle royal on the floor of the House and the Senate about funding important programs in America. The Department of Defense, as important as it is for America's security, wants all the money it can get its hands on, and I want to make sure

we always spend enough to keep us safe. But the battle is going to be between defense and nondefense. Nondefense includes health care. Nondefense includes medical research. Nondefense includes education.

Now we are going to have someone here at the Department of Health and Human Services who, sadly, is not committed to the basics of Medicare and Medicaid. That is not good news for seniors and disabled people across the America. That is why I am going to oppose Congressman PRICE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise to agree, briefly, with the remarks of my friend, the senior Senator from Illinois, and to comment that the nomination of Congressman TOM PRICE of Georgia to be Secretary of Health and Human Services is concerning, even alarming, to all of us who have reviewed his record—his record, his public statements, his work—that threatens to privatize Social Security, that threatens to restructure and fundamentally change the promise of Medicare, and that offers the promise of repealing the Affordable Care Act without any plan to replace.

I could not agree more with the words of the Senator from Illinois that we should all be cautious about being promised access without any pathway toward the ability to actually afford quality health care.

Mr. President, I yield the remainder of my postcloture debate time to Senator WYDEN.

The PRESIDING OFFICER. The Senator has that right.

The majority whip.

#### NOMINATIONS

Mr. CORNYN. Mr. President, I appreciate, as always, the courtesy of our colleagues.

Earlier this week, we confirmed Mrs. Betsy DeVos as the next Education Secretary, and last night—finally, at long last—we confirmed Senator Jeff Sessions to be the Attorney General of the United States. That represents the eighth nominee to the President's Cabinet who has been confirmed. At this point in the Obama administration, there were 24 Cabinet members confirmed. So, obviously, we are way behind in terms of giving the President the team he needs in place in order to start his administration and advance the country's policies.

We will move after today to the Department of Health and Human Services Secretary, Dr. TOM PRICE, and then to the Treasury Secretary, Mr. Mnuchin. The handwriting of course is on the wall. We all know each of these nominees will be confirmed. How do we know that? Because, thanks to the former Democratic leader, who invoked the nuclear option changing the Senate rules, only 51 votes are necessary to confirm a nominee since there is no filibuster, strictly speaking, no 60-vote requirement for nominees. So my ques-

tion is this: What purpose is to be served by dragging all of this out?

Unfortunately, what this does is it uses floor time, which is a valuable and limited resource here in the Senate. It prevents us from turning to bipartisan legislation that would actually help the American people. That is a real shame. Of course, beyond our political parties, beyond our differences in philosophy and opinions on various policy matters, we are here to work for the American people. That is the job we were sent here to do. In fact, I think, more than anything, the election on November 8 was a mandate for change.

I think the American people had become pretty—well, I think we had used up all their patience in both political parties in our inability to actually get things done. So just slowing down the confirmation process for the purpose of delay I think ignores the mandate we received on November 8 from the American people when they voted for change.

Looking back through recent history, we will see that bipartisanship has characterized a peaceful transition of power from one administration to the next. President Obama, to his credit, did believe in a peaceful transition of power and worked with the incoming Trump administration to make that possible. But it takes more than one President working with the next President. It takes Congress working together on a cooperative basis to make sure that, yes, questions have to be answered and, yes, nominees have to be vetted. But after all the questions have been asked and all the vetting has taken place, I think just delay for delay's sake serves no useful purpose and undermines the tradition that we have had in this country—that once the election is over, we then move, not to an election mode, but to a governing mode. Then, of course, we gear up for the next election in 2018. But now is the time for governing, not a time for electioneering. The American people need to accept the results of the election, and I think the American people by and large have. Now, activists clearly have not. But I don't think dragging this out in order to increase the level of separation and polarization in the country by not coming together and providing the President's Cabinet serves the public interest. Maybe it serves the interests of some narrow part of a political base, but certainly not the American people.

Many have pointed out that since President Carter, who had eight of his nominees confirmed on his first day in office, the nominations process has been fairly uneventful. President Reagan, for example, had a dozen confirmed in his first 2 days of office. President Clinton had 13 within 24 hours. President Obama had seven confirmed on day 1, and so did George W. Bush, when he was President.

The obstruction and slow-walking of the President's Cabinet choices is unprecedented. In fact, this is the longest

it has taken to confirm a majority of a new President's Cabinet since George Washington in 1789. This goes back to the origins of the country. That is pretty shocking.

For our colleagues to keep the President from his advisers is not only a rejection of the verdict of the American people on November 8 but to this institution and to the stability of the government and that peaceful transition of power that President Obama said he believed in and I think demonstrated by his actions.

We need adults to stand up and say we are not going to cater to the extremes in either political party, but we are going to seek common ground for the common good of our country. That is a position many of our Democratic colleagues have agreed with until today.

The day before the election last November, the Democratic leader indicated a willingness to work with his Republican counterparts to reach across the aisle in order to do so for what was right for the American people. Senator SCHUMER, our colleague from New York, said on November 16:

We have a moral obligation, even beyond the economy and politics, to avoid gridlock and get the country to work again. . . . We have to get things done.

I bet at the time Senator SCHUMER said that, he expected Hillary Clinton to be President. But now President Trump has won the election, and I think the same obligation applies to a Trump Presidency that he felt should apply to a Clinton presidency.

Now, the Democratic leader is singing a different tune, and we know what the results are. I actually don't envy our friend from New York, the Democratic leader. He has perhaps one of the toughest jobs in Washington, DC. He has allowed a narrow political base full of people who want him to block, stall, and obstruct this President at every turn. But I have worked with the Senator from New York before. He and I see the world through a different lens, but we have found ways to come together and work in practical ways that benefit our constituents and the country.

But I can tell he is being pulled in directions that he is not particularly comfortable with. But what he is doing is allowing that loud narrow base of his political party to lead his conference and his party. I think he knows what is good for the country and for the people we all work for, and that would be to resist the urge to feed the radical elements and to work together for the interests of the American people.

Just last week, President Trump announced the nomination of an incredibly well-qualified judge for the next Supreme Court Justice. As of today, several Senate Democrats have indicated they want an up-or-down vote on that nomination. I think that is positive. I hope those are representative of the cooler heads that will prevail on the other side of the aisle when it

comes to taking up the nomination of this incredibly qualified judge for the U.S. Supreme Court.

People on the right and on the left alike have acknowledged that Judge Gorsuch is an incredibly qualified nominee, a mainstream candidate, and widely recognized as such by liberals and conservatives alike. Some of our friends on the other side are grasping at straws, searching for ways to call his background or qualifications into question, basically using the nomination as a way to continue to contest and deny our new President the mandate he received from his election on November 8.

The Democratic leader even suggested that because Judge Gorsuch would not answer all of his questions in a private meeting, he was somehow hiding something. Well, our friend across the aisle knows—he is a smart Senator. He is a good lawyer, and he understands. Judges are not supposed to answer before they get on the bench how they would decide cases once they are on the bench.

Judges are not politicians, wearing black robes, unelected, life-time tenured super legislators. So it would be completely inappropriate for any nominee for the Court to come, either in a private meeting or in a public setting, and say: Well, if I am elected, I will decide this case or this issue in this way. That is completely contrary to the responsibility of a judge, and I think mistakes the important distinction between how judges and legislators ought to act.

Judges are not politicians. We don't want them as politicians. We want them as an independent judiciary that can interpret the Constitution and laws as written. This is an important difference between some of our friends on the left and those of us who believe in a traditional judiciary. I believe that because judges are life-tenured and they are unelected, they are ill-suited to become policymakers for our country.

Indeed, as to Justice Scalia, I thought this was one of his life's work. He said:

A judge's job is to interpret the written word, either the Constitution or the statutes written by the elected representatives of the people. It is not to pursue a separate and independent policy agenda or personal agenda just because you have the power to do so as a lifetime tenured judge.

So the fact that Judge Gorsuch does not answer questions about how he would decide cases once confirmed, I think, means he is being true to his responsibilities as a judge. If someone were willing to make those sort of campaign promises before they were confirmed, I think they would be disqualified from serving. Take the example of Justice Ruth Bader Ginsburg during her confirmation hearings in 1993. She said she did not want to give any hints or previews about how she might vote on an issue before her. So she politely declined to answer those questions.

Nominees have since followed her example so much that it has now become known as the Ginsburg rule. So I hope our friends across the aisle don't now take the position that Judge Gorsuch would be disqualified because he invokes the Ginsburg rule, which all responsible judges or nominees to the Supreme Court should invoke. It has been a consistent theme throughout.

So let's drop the excuses, and let's get to work. I hope that at some point the fever will break and our friends across the aisle will decide to quit the foot dragging, quit the slow walking for delay's sake alone. I don't know who benefits from that—certainly, not the American people.

When it comes to nominees like Judge Gorsuch, I hope our colleagues will apply the same standard that was applied when a Democratic President nominated somebody for the Supreme Court like Justice Ginsburg. I hope they will not have a double standard but will agree that the standard should be the Ginsburg rule and give this good judge, an outstanding nominee for the U.S. Supreme Court, the up-or-down vote he deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to speak on the nomination of Congressman PRICE to lead the Health and Human Services Department. But I have to respond to my colleague from Texas on his remarks. He wanted to know why Members of our side of the aisle wanted to have information about nominees or why it might take so long.

There are a record number of billionaires in this Cabinet. There is nothing wrong with people making money. But when you have conflicts of interest, clearly people on this side of the aisle feel like we should do our job and find out about those conflicts of interest. Even in record time, these nominees have moved through this body, coming to votes in committee without our even having all of this information that we wanted to have on their conflicts of interest.

For one nominee, the Commerce Secretary, we were negotiating even the day of the vote to clarify whether he was going to recuse himself if any of his transport vessels ever entered U.S. waters and would have a conflict on the Oil Spill Liability Trust Fund.

So there is the notion that somehow we have been dragging our feet on a Cabinet, when a billionaire Cabinet has been nominated by this President, who seems to want to tweet against commerce. The conflicts are here, and we want them cleared up.

As to Mr. PRICE, there are issues here that even the committee was not given the chance for a second hearing to get information about his conflicts of interest. So for my colleague—who thinks for a party that railroaded Zoe Baird because of a housekeeping issue, and yet there are nominees that we have moved forward on who have the

same issue—now to say to us that we don't have the right to find out what these conflicts of interest are, I would say that you are wrong.

On this issue for Mr. PRICE, my issue is the issue of our health care delivery system, which was very hard to pin him down on as it relates to the Affordable Care Act. My view is that this vote is the first vote in the repeal of the Affordable Care Act. Why? Because Mr. PRICE held nothing but his own views about this before coming to our committee.

When we asked repeatedly what would he endorse as it related to the reforms in the Affordable Care Act that are saving Americans money, that are clearly working for Americans, he failed to make a commitment. So my newspaper in Washington State, the Seattle Times, has said: "President-elect Donald Trump and his nominee for U.S. Secretary of Health and Human Services have doubled down on Republican promises to scuttle the Affordable Care Act (ACA)."

So that is not what I want. That is not what I am going to vote for in the nomination of Mr. PRICE. If Mr. PRICE had given us a little bit of an inkling of his desire to work across the aisle on what is working in the Affordable Care Act, what is working in Medicaid expansion, what is working to help save Americans dollars on their health care, it would be a different discussion here. But Mr. PRICE has put forth a budget in the House of Representatives that would cut Medicaid by one-third within 10 years. His budget cuts \$1 trillion from States over a 10-year period of time.

So this philosophy has raised a lot of concerns by my colleagues here. We had no other choice but to look at his record since he would not give us any answers on these programs. His record clearly shows that he has actively and aggressively worked to cap Medicaid with a block-grant program; trade away Medicare's guarantees with a voucher, instead; defund Planned Parenthood; and switch guaranteed benefits for a fixed tax credit that would steadily buy less and less and less and become more of a standard of actually giving Americans less health care.

Why is this so important? The reality is that 7 percent of Americans get their health insurance through the individual health insurance market, and that while people talk about the exchanges, the expansion of Medicaid, which so many States took advantage of, is a critical program. Nationally, nearly half of pregnant women depend on Medicaid for prenatal and postnatal care to ensure healthy pregnancies.

Medicaid covers 64 percent of nursing home residents and is the largest payer for long-term care. Many Americans in the United States are now going into nursing homes because they can't afford to save for retirement. Medicaid is critically important. In hospitals across the Nation, one in two births are financed by Medicaid. Medicaid insur-

ance actually costs less than private insurance. So, it is a very efficient way to cover a population.

I know a lot of my colleagues are going to come out here and talk about Medicare. I am sure seniors in America will be very anxious about Mr. PRICE's statements on Medicare. But I am speaking here now about a program that is keeping people off of uncompensated care, keeping them from flooding our hospitals, and putting them on a system that is working for our Nation to cover people who need to have an option.

Now, I say "option." Why? Because Medicaid itself is an optional program. States don't have to participate. But guess what. Every State in this country does participate. In fact, in Washington State, we know that Medicaid reduces, as I said, infant mortality. It helps with long-term health care, and it is helping us make sure we are becoming more efficient in our delivery system.

So in Washington, we expanded Medicaid and covered 600,000 additional Washingtonians, most of whom were previously insured. It helped us reduce our uninsured rate by 60 percent, to less than 6 percent; that is, 6 percent of Washingtonians are now not with a health insurance program.

So why am I so concerned about this? Because in the Affordable Care Act, reforms are working. We would like a nominee who would at least address and agree that those things are working. For example, as I just mentioned, because the Medicaid population and long-term care costs are rising, and the number of people are living longer, they are going to drive a huge balloon into our Medicaid budget. So we came up with an idea of saying: You should "rebalance" from nursing home care to community-based care.

Why? Because people would like to live in their homes longer, because we can deliver more affordable care that way. It is better for the patient, and it is better for our health care delivery system. So what did we do? We put incentives into the Affordable Care Act to give the patients a cheaper, more affordable way to stay in their homes and get long-term care.

It is really amazing to me how many States in our Union took up the opportunity to participate in this program: Arkansas, Connecticut, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Hampshire, New Jersey, New York, Texas, Illinois, Maine, Ohio, Nevada, Massachusetts, Nebraska, and Pennsylvania.

All of those States decided to use this part of the Affordable Care Act because they agreed in philosophy that taking this population and rebalancing would save dollars in Medicaid, give people better health care choices, and save us money overall. In fact, the State of Georgia received \$57 million from the Affordable Care Act to do this and has been able to shift 10 percent of its long-term care costs from nursing

home care to community-based care with the help of this program. So it is a winning strategy.

Yet we could not get a commitment or an awareness by Mr. PRICE about this program, what it does, why it is so successful, or the concept that having people get care in their homes would be appropriate for so many Americans over the very expensive nursing home care that so many States are burdened with and so much of our Federal dollars are going to be burdened with in the future.

We also tried to discuss with him another incredible idea from the Affordable Care Act; that is, the Basic Health Plan: the idea that customers should be able to buy in bulk. I call it the Costco plan, because everybody knows that when you buy in bulk, you are going to get a discount.

But beyond the Medicaid eligibility level, so much of what Americans have not been able to do is to buy in bulk. So part of the Affordable Care Act said that you could buy in bulk as a State and give a benefit.

What is the outcome of that? Well, the State of New York is using the Basic Health Plan and has signed up more than a half million people under that plan.

Right now, a family of four in New York making about \$37,000 a year, if they were buying just on the exchange, might have to pay \$1,500 in annual premiums, with tax credits. Because of the Basic Health Plan, they are paying about \$250 per year in premiums. That is a savings of over \$1,000 per year for those families. This is an important program. Why? Because those in the delivery system have certainty that they are going to see those patients, just as Costco, when they buy in bulk for so many Americans across the country, knows that Americans are going to shop there and take advantage of the discount that they were able to negotiate, and it works for everyone. The producers know they will have volume, the customer knows they will get the best price, and more people are covered.

The fact that New York has used the Basic Health Plan, as well as Minnesota, has shown us that these kinds of expansions of Medicaid—and programs like the Basic Health Plan that exist just above the Medicaid eligibility rate—work successfully for us and are the types of things we wish Mr. PRICE would endorse. But, again, he failed to endorse these kinds of things.

What he has said, instead, is that he wants to cap these programs, which is not an improvement to the system but almost a truncating of the cost. In my mind, it is like a surgeon going into surgery but instead of taking a scalpel, he is taking an ax.

Given what the people of Washington State have done successfully in driving down health care costs and improving outcomes, I am not willing to take a risk on somebody who will not take a risk and say that these programs are working successfully.

I hope our colleagues will listen to these concerns. This is the first vote in the dismantling of the Affordable Care Act. It is the first opportunity we have to say: Either tell us what is working or tell us what you are for.

But on Mr. PRICE, all we have is his record. And I hate to say, his record, by capping and desiring to cut Medicaid and Medicare, is not the direction our country needs to go.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

#### NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, I rise to speak about two of President Trump's nominees. I will first address Nominee Gorsuch to the Supreme Court. Then I will discuss the nomination of TOM PRICE to be Secretary of Health and Human Services, which is currently pending before the Senate.

Last week, President Trump nominated U.S. Circuit Judge Neil Gorsuch to fill the vacancy left by the death of Supreme Court Justice Antonin Scalia. I want to address both the process and the substance of what lies ahead for the Senate.

The Constitution gives to the President the power to nominate and, subject to the Senate's advice and consent, the power to appoint judges. The first step in the Senate exercising its power of advice and consent is to decide the best way to handle a nomination made by the President.

The Constitution does not mandate a one-size-fits-all process. In fact, the Senate has handled the Supreme Court nominations in at least a dozen different ways.

Nearly 1 year ago, shortly after Justice Scalia's death, I explained on the Senate floor the two reasons the next President should choose his replacement. First, the circumstances and timing of the Scalia vacancy supported separating the confirmation process from the Presidential election season, which was a hard-fought Presidential election.

When he chaired the Judiciary Committee in 1992, then-Senator Joe Biden urged the Senate not to consider a Supreme Court nomination in that Presidential election year. Each of his four reasons applied, with even greater force, to the circumstances we faced last year.

Second, I said that elections have consequences. The American people were increasingly concerned about the illegal and unconstitutional actions of the Obama administration, actions that the courts struck down dozens of times.

The two Presidential candidates last year represented very different ideas about the power and proper role of judges in our system of government. The American people, therefore, had a unique opportunity to address the future course of the judiciary in general and the Supreme Court in particular.

Not surprisingly, the percentage of American voters who said that the Su-

preme Court was a very important issue tripled between 2008 and 2016. The issue was always when, not whether, the Senate would consider a nominee to fill the Scalia vacancy.

Plunging into a divisive, ideological confirmation battle in the middle of a confrontational and ugly Presidential campaign would have done more harm than good to the judiciary, the Senate, and the country. We were right to avoid such damage and, as a result, today we can focus properly on the appointment of Justice Scalia's successor.

Democrats and their left-leaning allies, however, sound as though they exist in some kind of parallel universe. In editorials since the election, for example, the New York Times claims that Republicans stole this Supreme Court seat from President Obama.

I am sure they are in denial about the election results, and some observers have called this bizarre fiction sour grapes. I think that gives sour grapes a bad name, between you and me.

No judicial position, including the Supreme Court seat occupied by Justice Scalia, belongs to any President. President Obama exercised the power that the Constitution gives him by nominating someone to that vacancy. The Senate exercised the power that the Constitution separately gives us by not granting consent to that nomination.

I have news for my Democratic colleagues: Not getting your way does not mean that anyone stole anything; it just means that you did not get your way.

When Chairman Biden refused to give a hearing to more than 50 judicial nominees during the 103rd Congress—a record, by the way, that still stands—the New York Times never said that those seats were being stolen from President Bush.

When Democrats blocked a confirmation vote 20 times during the 108th Congress, the Times never accused Democrats of theft but was right there egging them on.

Republicans last year decided to defer the confirmation process without knowing who would win the election. Democrats this year are objecting because of who won the election, even though at the time, it looked as though Hillary Clinton was a sure winner.

I think we should stop the nonsense and act like grownups because we have work to do.

Turning to that work, the task before us is to determine whether Judge Neil Gorsuch is qualified to serve as an Associate Justice of the Supreme Court. Qualifications for judicial service include both legal experience and judicial philosophy, and I believe we should look at a nominee's entire record for evidence of these qualifications.

Judge Gorsuch's legal experience is well documented and widely acknowledged. Judge Gorsuch clerked for two Supreme Court Justices, spent a decade in private practice, and then served as

Acting Associate Attorney General. His qualifications for the U.S. Court of Appeals were so obvious that the Senate confirmed him in 2006 without even a roll call vote.

Let me put that into perspective. During the 4 years that Republicans were back in the majority, 2003 to 2006, the Senate took roll call votes on 86 percent of judicial nominations. Democrats were demanding roll call votes even when, as happened 82 percent of the time, the nominations were unopposed. In other words, it was a very rare exception for a judicial nomination to be confirmed without a roll call vote at all. That is how self-evidently qualified this nominee was for the appeals court.

In 11 years on the appellate bench, he has authored hundreds of majority or separate opinions, many of which have been widely praised. There is no question that Judge Gorsuch has the legal experience to serve on the Supreme Court.

As I have said many times, the conflict over judicial appointments is really a conflict over judicial power. The more important qualification for judicial service, therefore, is a nominee's judicial philosophy, or his or her understanding of the power and proper role of judges in our system of government—in other words, the kind of Justice he will be.

Federal judges have two basic tasks. They can perform those tasks in two basic ways. Their tasks are to interpret and apply the law to decide cases. They can perform those tasks impartially or politically.

An impartial judge interprets statutes and the Constitution to mean what they already mean, while the political judge interprets them to mean what he wants them to mean. When an impartial judge applies the law, he deliberately excludes his own views and does not put his thumb on the scale to make sure the results of the case benefit a particular party or group.

The political judge accepts, and even embraces, that his background and biases shape his decisions and considers how individual decisions will affect other parties, groups, or issues.

Our system of government, and the liberty it makes possible, requires impartial judges in all cases.

In his farewell address in 1796, President George Washington said that the heart of our system of government is the right of the people to control the Constitution. One of his original Supreme Court Justices, James Wilson, described our system of government by saying that here, the people are masters of the government. Our liberty can be secure only if the people control the Constitution, only if the people remain masters of the government. That cannot happen if judges control the Constitution because then, government will be the master of the people. That is why the kind of judge Presidents appoint is so important. Impartial judges

let the people govern; they let the people govern themselves. Political judges do it for them.

The best way to tell which kind of Justice the nominee before us will be is to assess the kind of judge he already is. One of the most obvious places to look is in the opinions he has been writing for more than a decade. Last year, for example, the Tenth Circuit had to decide whether to use the Constitution to create new categories of lawsuits against law enforcement officers. Judge Gorsuch agreed that the courts should resist doing so and wrote:

Ours is the job of interpreting the Constitution. And that document isn't some inkblot on which litigants may project their hopes and dreams . . . but a carefully drafted text judges are charged with applying according to its original public meaning.

In other words, the Constitution is not a blank check a judge may write to whomever, and for whatever amount, they like. It is not a shape-shifting blob that judges can manipulate into whatever they want it to be.

In this view, Judge Gorsuch was merely echoing America's Founders. Thomas Jefferson, for example, argued that if the Constitution means whatever judges say it means, the Constitution will become "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."

He was right. The Constitution, after all, is the primary way the people set rules for government, including for the judiciary. If the people are to remain masters of the government, they must remain masters of the Constitution, and that includes not only what it says but also what the Constitution means.

Impartial judges take statutes and the Constitution as they are, not for what they say but also for what they mean.

Political judges act as if the people and their elected representatives established a Constitution or enacted statutes that are merely collections of words with no meaning until judges fill in those blanks. Judge Gorsuch is an impartial judge. Anybody looking at the record has to know that. He knows that he is to interpret but cannot make the law. He knows that the Constitution must control judges, not the other way around.

Last year, Judge Gorsuch delivered a lecture about Justice Scalia's legacy at Case Western University School of Law. In that lecture, Judge Gorsuch embraced a defined judicial philosophy and made clear the kind of judge that he is.

I referred to this lecture in my remarks last week, and this week I sent it to each of my colleagues on both sides of the aisle. I truly hope each and every Member of this body will read it carefully because it helps answer the most important question before us in exercising our power of advice and consent: What kind of Justice will this nominee be?

In his lecture, Judge Gorsuch said—and I will refer to the chart again—"Judges should be in the business of declaring what the law is using the traditional methods of interpretation, rather than pronouncing the law as they might wish it to be in light of their own political views, always with an eye on the outcome."

Some Senators and liberal groups have already stated that they oppose this nomination. Perhaps they think judges should be in the business of pronouncing the law as they might wish it to be in light of their own political views.

Judge Gorsuch said in his lecture that the task of a judge is to interpret and apply the law rather than, as he put it, "to amend or revise the law in some novel way." Perhaps his critics believe the opposite, that judges actually do have the power to amend and revise the law in novel ways.

Last year, Judge Gorsuch echoed America's Founders in saying that the power of the legislative branch to make law and the power of the judicial branch to interpret law should be kept separate and distinct. Confusing them, he said, would be a grave threat to our values of personal liberty and equal protection. Perhaps his critics believe it does not matter whether judges make or interpret the law.

Last year, Judge Gorsuch said that judges must "assiduously seek to avoid the temptation to secure results they prefer." What the law demands, he said, is more important than the judge's policy preferences. Perhaps his critics think judges should give in to that temptation, putting their preferred results ahead of what the law demands?

The more we find out about Judge Gorsuch and his judicial philosophy, the more we should ask what his opponents and critics really find so objectionable. If Democrats and their left-wing allies believe that judges, rather than the people, should control the Constitution, they should come right out and say so. If they believe that the political ends justify the judicial means, that judges may manipulate the law to produce politically correct results, then they should be honest about it and defend that radical idea to the American people.

As I close, I want to offer some wisdom from DANIEL WEBSTER, who served in the House and Senate and twice as Secretary of State under three different Presidents. In a speech on March 15, 1837, he said:

Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Well, there are also judges who mean to be good masters, but they do indeed mean to be masters. They mean to govern well, but they do mean to govern.

That kind of judge compromises the heart of our political system and undermines the liberty that it makes possible.

Judge Neil Gorsuch has no intention of governing, of being any kind of master of the Constitution or of the people. He is, instead, an impartial judge, the kind who follows rather than controls the law. He will be the kind of Justice that America needs on the Supreme Court.

Mr. HATCH. I thank you, Madam President.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Nebraska.

Mr. SASSE. Madam President, I would like to thank the Senator from Washington State and the Senator from Michigan for allowing me to sneak in here quickly.

I thank the Senator from Utah for his comments.

Mr. HATCH. I still have one more speech to give.

Mr. SASSE. I yield to the chairman of the committee.

Mr. HATCH. I will try to make this very brief.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Madam President, I would like to turn to the business currently before the Senate and express my support for the nomination of Representative TOM PRICE to be the Secretary of Health and Human Services at this critical juncture.

HHS encompasses an extremely large and diverse set of agencies, including the Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Food and Drug Administration, just to name a few. All told, its annual budget is more than \$1 trillion—that is trillion with a "t."

The various programs and agencies that fall under HHS's purview have an enormous impact on our Nation's fiscal and economic outlook. I am not exaggerating when I say that HHS affects the daily lives of more American taxpayers than any other part of the Federal Government.

Management of all these agencies is not for the faint of heart. Once confirmed, Dr. PRICE will have his work cut out for him, but I believe he is more than up to the challenge. He has proven that over the years.

Dr. PRICE has extensive insight into our Nation's health care system, having practiced medicine for two decades in a variety of settings. That experience has informed his years of service in the House of Representatives, which included a tenure as chairman of the House Budget Committee and in the leadership in the Ways and Means Committee.

While many who come to Washington are content to sit back and talk about our Nation's problems, Dr. PRICE has always sought to find solutions. At a time when our health care system is in distress, I believe Dr. PRICE will put his

vast experience to good use and be decisive in not only working with Congress to find solutions but implementing them as well.

My view on his qualifications is shared by a great number of people, including many who see the problems in our health care system up close. For example, former HHS Secretaries Mike Leavitt and Tommie Thompson enthusiastically support his nomination. Major stakeholder organizations, including the American Medical Association, the American Hospital Association, most surgical specialty groups, and others, also support him. In their letter of support, the Health Care Leadership Council, which represents a wide range of health care providers, said that “it is difficult to imagine anyone more capable of serving his nation as the Secretary of HHS than Congressman TOM PRICE.” I couldn’t have said it better myself.

Of course, none of this seems to matter to some of my colleagues on the other side. They aren’t coming to the floor to criticize Dr. PRICE’s abilities or qualifications; instead, most of what we have heard for weeks now is focused on a vague patchwork of allegations of ethical impropriety on the part of the nominee.

I have participated in quite a few confirmation debates during my time in the Senate, and even over this agency. One thing I have learned is that if the opponents of a particular nomination keep moving their focus from one set of allegations to another, more often than not, they don’t have a leg to stand on. That is very much the case with regard to the attacks that have been hurled at Dr. PRICE.

First, we heard about supposed conflicts of interest in his finances, until it was pretty clear that Dr. PRICE had followed all the required ethical guidelines and disclosure requirements of the House.

After that, he was accused of lying to the Senate Finance Committee during our vetting process because he had to file an amended disclosure to include some mistaken omissions. Of course, this is not altogether an uncommon occurrence, particularly given the fact that the Finance Committee’s vetting process is uniquely exhaustive. It happens in almost every case where you have people who have had a complicated life or work life. Furthermore, he was asked about this during his confirmation hearing, and his answers were reasonable, and I haven’t heard anyone credibly argue that he was intentionally trying to mislead the committee.

I will set aside the fact that the particulars of Dr. PRICE’s disclosures to the Finance Committee—information which is typically kept private among members and staff—were apparently managed and embellished in order to create and reinforce a partisan narrative with the media. Instead, I will simply say that the Finance Committee’s bipartisan vetting process for

nominees has historically operated on an assumption of good faith, both on the part of the nominee and the members of the committee. The fact that my colleagues on the committee, in many respects, have decided to cast all that aside in recent weeks is not evidence of wrongdoing on the part of Dr. PRICE.

When the overblown claims about his disclosures failed to gain traction, my colleagues on the other side turned their focus to a particular investment in an Australian biomed company in 2015. Their claim: Dr. PRICE received a “sweetheart deal” from the company which allowed him to purchase stock at a discounted price. They also argue that he lied during his confirmation hearing when he said he paid the same price for the stock as everyone else at that time.

Now, my colleagues would have everyone believe that private placement investment arrangements are inherently shady and nefarious. Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise—

Madam President, let me yield the floor to Senator SCOTT.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Madam President, I yield 30 minutes of my time during the debate of Congressman PRICE to Senator HATCH.

The PRESIDING OFFICER. The Senator has that right.

Mr. HATCH. I sure appreciate my colleague because I have run out of time here and I still have things to say.

Mr. SCOTT. Yes, sir.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Well, let me just go back.

Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise additional capital from a small number of investors. I know because I used to practice law and I did a number of private placements in my experience.

The facts in this matter are relatively simple: The Australian company, Innate Immunotherapeutics, had a relatively small number of U.S. investors at the time. It is my understanding that all of the investors who had participated in a previous share offering were offered an opportunity to purchase additional stock as part of a private placement arrangement. Dr. PRICE purchased additional stock at the price that was offered to all the investors in that group.

Once again, private placements are commonplace investments, not nefarious conspiracies that some of our colleagues would have us believe. And I can certainly testify to that. According to all the available details, this particular investment was in compliance with all of the laws and regulations that govern those types of deals. In

fact, as private placement investments go, this one appears to be fairly unremarkable, unless, of course, you just assume without evidence that there simply had to be something fishy going on—an assumption that I don’t think could be made.

Put simply, this investment arrangement was a perfectly normal, commonplace affair. There is certainly no evidence to suggest that there was any insider trading, as some of my colleagues have alleged.

On top of that, Dr. PRICE’s statements before the Finance Committee, despite many claims to the contrary, appear to be truthful unless you simply want to assume without evidence that he has to be lying. What a situation that our colleagues try to put this good man in. It is disreputable, in my opinion.

By all accounts, Dr. PRICE purchased the Innate stock at the same price offered to all other participants in the private placement which, by the way, also included a few thousand investors from Australia and New Zealand. That is what he told the committee and that, by all appearances, is the truth. We certainly haven’t seen any evidence to the contrary. Sure, my colleagues on the other side have thrown a lot of dots on the wall, apparently hoping they can create a cloudy impression that something nefarious just had to be going on with this investment, even though they haven’t come close to connecting any of the dots. They have parsed words, they have divined alternative meanings behind the nominee’s statements. But let me be clear, no one has produced any credible evidence of wrongdoing on the part of Dr. PRICE. Those of us who know him know that he never did any wrongdoing and, frankly, never intended to do anything that was wrong.

That being the case, it is utterly shameful that my colleagues would go to such elaborate lengths in order to malign not only a nominee for a Cabinet position but a sitting Member of the U.S. Congress. There ought to be some courtesy here, and I am kind of shocked that there isn’t. Of course, we went through a fairly ugly episode the other night about the same issue, though that one hit a little closer to home as the nominee under attack was a fellow Senator.

I don’t want to rehash that argument here today. Instead, I will say this. I know some people like to fight around here. For some, it seems the fighting is half the reason they are here to begin with, and neither party is blameless in that regard. Do you know what? If my colleagues wanted to have a fierce and lively debate about this nominee’s qualifications or his views on policy, I welcome that debate. He is a tremendous human being, a tremendous doctor, with all kinds of experience, and has been a wonderful Member of the House of Representatives for both parties—as a Republican. If they want to fairly debate his record as a legislator



and a public servant, I am game. I will be glad to do it with them, but to throw accusations at a congressional colleague, and even go so far to accuse him—without evidence—of criminal wrongdoing is, in my view, beneath the dignity of the Senate.

That is precisely what has happened to Dr. PRICE. Ultimately, my colleagues' specious arguments and their desperate attempt to block Dr. PRICE's confirmation would all seem far more sincere if he were the one nominee or even one in a small handful of nominees they deemed unfit to serve, but that is not what is happening.

My colleagues on the other side have appeared to be apoplectic about almost every single nominee we have had before us. The confirmation of any of President Trump's Cabinet nominees, it seems, will bring about untold destruction, the likes of which America has never seen.

With so many of these nominations, the entire process has been wrought with fever-pitched arguments, accusations, and apocalyptic visions of a future world gone mad. We hear it in committee. We are hearing it on the floor. Then the Senate votes, the nominees are confirmed, and my colleagues immediately switch gears to do the very same thing with the next nomination. Some of them even switch gears and come up to the nominee with smiles on their faces and congratulate him or her.

One can only wonder how so many Senators can keep their outrage settings turned to 11 without getting completely exhausted around here. I expect they are able to do so because their outrage is more show than anything else. Indeed, I suspect that the outrage that has been on display has less to do with the particular nominees and more to do with a longer term political agenda. In service of that partisan agenda, my colleagues appear to be more than willing to cast aside the traditions, respect, and assumptions of good faith that have long been the hallmark of the Senate confirmation process and of the Senate itself.

I am very concerned with the way this has gone on here. I am concerned with the way my colleagues are treating another respected colleague from the House. We have seen it in committee. We are seeing it on the floor. In my view, it is a tragic shame.

The bottom line is, Dr. PRICE is, by any reasonable objective standard, qualified to serve as HHS Secretary. Some people would say he is qualified just because he has made it all the way to Congress and he ought to be treated with equal respect, but I will not even go that far. I will just say, by any reasonable and objective standard, he is qualified to serve as HHS Secretary. There is nothing in his past record or statements that disqualifies him to serve in that capacity. In a better world, he would be confirmed already. People would be shouting hooray that this good man will take the time and

spend the effort to take this very thankless, very difficult job—and to leave Congress in the process. I suspect he will be confirmed in short order.

Once again, I do urge my colleagues to vote with me to confirm Representative PRICE. I really believe we ought to get past this is picayune stuff that has been going on, on the floor. We ought to get past that and truly, truly support a good man from the other body who we all know is honest and decent and allow him to see what he can do to straighten out this tremendously complex Department of Health and Human Services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I rise in defense of Michigan seniors and working families and to speak on the nomination of Representative TOM PRICE to be Secretary of Health and Human Services. As a Member of this body, it is my duty to only support a nominee for this position if I trust that he or she will put the health and wellness of American families first.

Representative PRICE has failed to convince me that he will do this. As a doctor, he should be familiar with the Hippocratic Oath. Reciting this oath is a rite of passage for our physicians and our Nation and across the globe. While it is known most widely for its overarching message of "do no harm," I wish to recite a passage from the modern version of the Hippocratic Oath that should resonate with all of us. It reads:

I will remember that I do not treat a fever chart—a cancerous growth—but a sick human being—whose illness may affect the person's family and economic stability. My responsibility includes these related problems, if I am to care adequately for the sick.

We should all heed these words. Health care is deeply personal. Some of the most important decisions Americans will ever make will be with the advice of their loved ones and their doctor.

Health care affects our families and the economic stability of our families. Quality, affordable health care can literally be the difference between life and death. A Medicare system that works for seniors can be the difference between a retirement with dignity and having to spend their golden years in poverty.

When it comes to our Nation's seniors, Congressman PRICE has crafted extremely dangerous proposals that would end Medicare as we know it. He has introduced legislation that would turn Medicare into a voucher system, increase the eligibility age for seniors to enroll in the program, and lead to increased drug costs.

Our Nation's seniors worked hard their entire lives and they deserve a dignified retirement—not higher drug costs or a voucher that could be worth less each and every year, putting a significant strain on their fixed budget. We must honor our promises to current

and future retirees by refusing to confirm any HHS nominee who is not fully committed to protecting our seniors and ensuring they have the health care they need. We need a Secretary who wakes up every morning thinking about how to provide the best care possible to as many Americans as possible and as affordably as possible.

I am concerned that Representative PRICE sees our health care system as a profit center, a profit center for special interests and a profit center for himself. He has proposed dangerous plans to end critical investments that make our health care system better so he can give large tax breaks to some of his wealthy friends.

The American people should be confident that the men and women leading Federal agencies are thinking about the bottom line of taxpayers and not themselves. We must be faithful stewards of taxpayer dollars. I wish to remind my colleagues that Medicare and Medicaid spend far less on overhead and operations than private insurance.

I would also like to remind my colleagues that the Republican budget plan that includes repealing the Affordable Care Act would increase our national debt by upward of \$9 trillion over the next decade. Yes, that is trillion with a "t." We must continue efforts to cut waste and inefficiencies across the Federal Government, especially in health care. Increasing efficiencies allows us to invest in what works.

Medicare and Social Security are two of the most popular Federal programs ever created, and they are popular for a reason. They work. They work for seniors, they work for the disabled, they work for orphans, and we should too.

When I hear from Representative PRICE that he wants to fundamentally change Medicare and Medicaid and implement health care reforms that will limit care for American families, this is something I cannot and will never support.

Representative PRICE has introduced proposals to cut over \$1 trillion from Medicaid that will jeopardize care for millions of low-income working Americans, senior citizens that require long-term care in nursing homes and individuals with disabilities. This is not a vision of America that I see, and it is not one I can possibly support.

We need to find a bipartisan path forward. We need to invest in prevention, increased efficiencies, embrace technologies like telemedicine, and capture the full potential of promising medical research, like precision medicine, to yield better care and at lower costs. We need to make it easier for small business owners who want to do right by their employees to provide them with coverage. We can strengthen our health care system without cutting the quality of care by investing in common-sense changes to save money. For example, Medicare spends \$1 out of every \$3 on diabetes treatment. While the total economic cost of diabetes is estimated to be \$245 billion per year, I have

introduced bipartisan legislation that allows Medicare to enroll individuals at risk for developing diabetes into medical nutrition therapy services proven to decrease the likelihood they will develop diabetes.

I have also introduced bipartisan legislation that expands Medicare's use of telemedicine, increasing access for patients in rural and underserved communities, and bringing down future health care costs by ensuring patients get the preventive care they need to stay healthy.

Instead of focusing on these critical challenges or sensible solutions, Representative PRICE wants to move us backward and push policies that could leave 30 million Americans without health insurance.

We can't look at this as simple budgetary math, we are talking about 30 million of our friends, family members, and neighbors, including over 800,000 Michiganders—Michiganders who could once again face bankruptcy and loss of their economic security just because they get sick.

We live in a nation where historically the No. 1 cause of personal bankruptcy has been medical debt. That is simply unacceptable in this great country of ours. Whether we are policymakers or physicians, we should adhere to the central tenet of the Hippocratic Oath of "do no harm."

Our Nation's seniors, children, and all hard-working Americans deserve a Secretary of Health and Human Services who will, at the very least, do no harm. Representative PRICE is not that person.

It is for this reason that I have decided I will vote against his nomination for the Secretary of Health and Human Services. I urge all of my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I come to the floor this afternoon to announce I will be voting against Congressman PRICE to be the Secretary of the Department of Health and Human Services. Despite some of the remarks people have expressed, I feel passionately about the fact that he is the wrong person to serve in that job. I have heard from a remarkable number of my constituents who also believe he is the wrong person for the job.

Congressman PRICE is an outspoken advocate for repealing the Affordable Care Act, which would cause up to 30 million Americans to lose their health insurance and put at risk the lives of thousands of people in New Hampshire and across America who rely on the Affordable Care Act—or ObamaCare—for treatment of substance abuse disorders. He is a rampant supporter of defunding Planned Parenthood and denying women our reproductive rights. If he defunds Planned Parenthood, it would mean that women would lose access to contraceptive services and cancer screenings.

In New Hampshire we have thousands of women who rely on Planned Parenthood as their only source of health care. Congressman PRICE is determined to make billions of dollars in cuts to the Medicaid program, which would jeopardize the health of some of our most vulnerable citizens, including millions of children living in poverty and millions of seniors living in nursing home care.

I am especially troubled by the threat that Representative PRICE poses to women's health. I urge my colleagues to listen to the millions of women across America who marched last month in opposition to the policies of the Trump administration and Congressman PRICE. Those of us who marched on that day had a simple and powerful message: We will not be dragged backward. We will not allow the Trump administration to take away our constitutional rights and to interfere with our deeply personal health care choices. Yet Dr. PRICE's extreme policies would do exactly that. They would drastically undermine women's access to health care, and they would turn back the clock on women's reproductive health and rights.

Representative PRICE has spent his entire congressional career authoring, sponsoring, and voting for legislation that would put women's health at risk. He cosponsored and voted 10 times—10—to defund Planned Parenthood, repeatedly championing slashing funding and access for family planning services. If we want to cut down on unintended pregnancies and abortions in this country, we need to give families access to family planning services.

If Congressman PRICE succeeds in making good on this threat as Secretary of Health and Human Services, it would result in 1.5 million Medicaid patients losing the ability to see the family planning provider of their choice.

As Senator PETERS said, Congressman PRICE does not support the Affordable Care Act and the requirement in the Affordable Care Act that women have access to FDA-approved methods of contraception with no out-of-pocket costs. Indeed, he rejects the very idea that women should obtain birth control with no out-of-pocket costs. He said:

Bring me one woman who has been left behind. Bring me one. There's not one.

Well, that statement is not only wrong, but it is arrogant, and it is gravely out of touch with reality.

Throughout his career in Congress, Dr. PRICE has been a zealous advocate of restricting women's access to contraception and abolishing our constitutionally protected reproductive rights. He has cosponsored an "extreme personhood" bill—so-called—that would establish that life begins at conception, and he supported a bill to ban abortion after 20 weeks, despite the Supreme Court's rulings that similar bills are unconstitutional. He even voted for

a bill that would alter the recommended medical training for obstetrics and gynecology by preventing grant funding from being used to train medical students on how to safely perform the abortion procedure.

The policies advocated by Representative PRICE would have profoundly negative impacts on the health and well-being of the people in my State of New Hampshire. Repeal of the Affordable Care Act would have devastating effects on people in New Hampshire. Some 120,000 Granite Staters—nearly 1 in 10 people in New Hampshire—have enrolled in health care coverage thanks to the Affordable Care Act, thanks to ObamaCare. That is an enormous step forward for the health and well-being of the people of my State. Yet Dr. PRICE is determined to destroy that progress. Indeed, he seems to have no higher priority than to terminate health coverage for millions of people across this country.

Make no mistake. Repeal of the Affordable Care Act would destroy much of the progress we have made in New Hampshire and in other States to fight the heroin and opioid epidemic. Across this country, more people are now killed by drug overdoses than by traffic accidents. There were more than 52,000 overdose deaths in 2015. But statistics can't fully capture the profound human toll. It is not only the thousands of individual lives that have been destroyed. Entire communities are being devastated.

In dozens of visits to New Hampshire during his campaign, President Trump pledged aggressive action to combat the opioid crisis. Keeping that promise is a matter of life and death. Make no mistake. Representative PRICE's determination to repeal the Affordable Care Act has put millions of Americans at risk.

I am especially concerned that repeal would abruptly end treatment for thousands of Granite Staters fighting addiction. The Affordable Care Act, and Medicaid expansion in particular—what we call in New Hampshire our New Hampshire Health Protection Plan—which has bipartisan support from then-Governor, now-Senator MAGGIE HASSAN and the Republican legislature, has been a critical tool in combating the opioid epidemic. More than 48,000 Medicaid claims were submitted in New Hampshire for substance use disorder services in 2015.

Having traveled across our State in the past year, visiting treatment centers and meeting with individuals struggling with substance use disorders, I am convinced that TOM PRICE's plan to repeal the Affordable Care Act would mean that thousands of Granite Staters would lose access to treatment, with devastating consequences because right now, even as we are beginning to ramp up treatment, we have the second highest overdose rate in the country.

We need a Secretary of the Department of Health and Human Services

who will respect women's health care choices and our constitutional rights and who will defend the enormous progress we have made, thanks to the Affordable Care Act and the expansion of Medicaid. Representative PRICE is the wrong person for this critically important position in our Federal Government, and I will vote against his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, before I begin, I wish to note my disappointment about how rushed the consideration of this nominee has been. Calls for a thorough investigation into Congressman PRICE's ethically questionable and potentially illegal health trades have been ignored.

Hundreds of questions HELP Committee Democrats asked Congressman PRICE as part of the official committee process have gone unanswered, and the vote to advance Congressman PRICE's nomination to the floor took place without Democrats getting any notice—a clear break from long-standing committee rules. Unfortunately, those are just a few of the examples.

It is clear that Senate Republicans are doing everything they can to protect President Trump's nominees from tough questions, which is only helping him rig his Cabinet against workers and families. That is really concerning, especially on issues as critical as our families' health and well-being.

As I have said before, when I evaluate a nominee for Secretary of Health and Human Services, I am interested in whether that person has a record of putting people first—not politics, partisanship, or those at the top. I want to know they put science first—not ideology. Critically, I consider whether their plans for health care in our country will help more families lead healthy, fulfilling, and secure lives, or take us backwards.

Unfortunately, I am very concerned that Congressman PRICE falls far short in these categories and that his nomination sends another clear signal: President Trump is setting up his Cabinet to run our country in a way that benefits those at the top and their allies, but it really hurts the workers and families we all serve.

I will start with women's health and reproductive rights. I believe that when women have access to quality, affordable health care, when they can afford contraception and exercise their constitutionally protected rights to make their own choices about their own bodies, our country is stronger for it. That is because access to health care, which includes reproductive health care, is fundamental to women's economic independence and opportunity. When women have more resources, more freedom, and more ability to give back in whatever way they choose, we move forward as a country.

Congressman PRICE has a long record of fighting to take women's health care

in the wrong direction. He has advocated for defunding Planned Parenthood, our country's largest provider of women's health care, time and again. He has been determined, since the start, to dismantle the Affordable Care Act, which has really helped millions of women gain coverage and essential benefits. Especially given his background in medicine, he has displayed a shocking lack of understanding when it comes to the need for continued work to help women access birth control. He even suggested there "was not one" woman who couldn't afford contraception.

Well, I have certainly heard the opposite. I know for a fact now that Congressman PRICE has, too, because I made sure to tell him about my constituent Shannon in our hearing.

Shannon has endometriosis and would have struggled to afford contraception, which is often used to treat that condition, were it not for Planned Parenthood. How can a Secretary of Health and Human Services, who won't listen to stories like Shannon's and who can't understand their need to access basic health care, possibly be trusted to work for all of our communities?

Unfortunately, there is more. While President Trump has magically promised now insurance for everybody that is both lower cost and higher quality, Congressman PRICE's plans would do the exact opposite. From the start, he has led the fight for repealing the Affordable Care Act, even though Republicans cannot agree on what they as a party would do to replace it.

Congressman PRICE's own proposals, however, would cause millions of people to lose coverage, increase the cost of care, and leave people with pre-existing conditions vulnerable to insurance companies rejecting them or charging them more.

I am hearing constantly from the families who are scared about what the future holds for their health care, given Republicans' rush to rip apart our health care system, and plans like Congressman PRICE's, which would leave so many so vulnerable, are simply not the answer.

Donald Trump campaigned on promises to protect Medicare and Medicaid, but Congressman PRICE said that he wants to voucherize Medicare in the first 6 to 8 months of the administration, ending the guarantee of full coverage so many seniors and people with disabilities rely on. He has put forward policies that would shift \$1 trillion in Medicaid costs to our States, squeezing their budgets and taking coverage away from struggling children and workers, and people with disabilities, and families.

While President-Elect Trump has said that Medicare should be able to negotiate lower drug prices for seniors, Congressman PRICE has repeatedly opposed efforts to do so. He even went so far as to call legislation to address high drug prices "a solution in search of a problem."

Well, I couldn't disagree more.

In addition, I am deeply concerned about Congressman PRICE's extreme approach to key public health challenges, including his history of opposing regulations to keep tobacco companies from luring children into addiction.

In fact, it is hard to imagine who in America would be better off under Congressman PRICE's leadership at HHS—certainly not women who can no longer be charged more than men for the same health care; children or their families who get peace of mind from having coverage through the exchanges or Medicaid; workers who know they can still get coverage, even if they find themselves between jobs; communities that count on public health protection; or seniors who shouldn't have to pay more for prescription drugs or worry about what the future holds for Medicare.

All in all, Congressman PRICE's vision for our health care system is, to me, disturbingly at odds with the needs of families I hear from every day. But what makes this nomination even more troubling are the serious ethics questions that have not been resolved as it has been jammed through the Senate. I would hope that any Member of Congress—Republican or Democrat—would take seriously the need to ensure that incoming Cabinet Secretaries are free from conflicts of interest, fully prepared to put the public interest first, and have demonstrated a commitment to service for the sake of service, rather than a pattern of mixing personal financial gain with public office. Unfortunately, when it comes to this nomination, Senate Republicans have avoided those questions at every turn.

When reports first came out that Congressman PRICE had traded more than \$300,000 in medical stocks while working on legislation that could impact companies whose stocks he had purchased—including one whose largest shareholder, Representative CHRIS COLLINS, encouraged PRICE to invest in—Democrats called for an investigation before this nomination could move forward. Senate Republicans refused to join us. When outside consumer advocacy groups and an ethics counsel raised concerns, Senate Republicans went ahead with the hearings. The day before a vote on his nomination in committee, when a story broke indicating that Congressman PRICE misled members of our HELP and Finance Committees in responding to their questions about his investments, Senate Republicans met secretly to jam his nomination through in a closed-door vote.

Congressman PRICE and Republicans have insisted that everything Congressman PRICE did was above board and legal. I certainly hope that is the case, but we shouldn't have to take their word for it, and neither should the families and communities we serve. I am deeply disappointed that so many of my Republican colleagues appear to be willing to overlook the need for a thorough independent investigation.

Congressman PRICE's backward views on women's health, his harmful vision for our health care in our country, and the ethical questions that remain unresolved even as this nomination is headed to a vote, I will be voting against Congressman PRICE for Secretary of Health and Human Services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I rise to urge my colleagues to join me in opposing the confirmation of Congressman TOM PRICE to be Secretary of the Department of Health and Human Services.

Congressman PRICE has a long political record in Washington of siding with Big Business and not American families. He has led efforts that would force families to lose their health care coverage, that would end Medicare as we know it, and increase costs for our seniors, and that would let politicians choose what health care is best for women and their doctors. Perhaps most troubling, though, are recent revelations about Congressman PRICE's deep and ethically questionable financial ties to health companies that are looking to turn a profit.

The people of Wisconsin elected me to the United States Senate to stand up to powerful interests, to stand up for the working people of my State. They surely did not send me to the Senate to take away people's health care. That is why I simply cannot vote for a nominee whose financial activities with health companies raise such serious ethical questions and who has repeatedly opposed measures that would improve the health of our hard-working middle-class families in America.

During his time in Congress, reports show that Congressman PRICE traded more than \$300,000 in shares of health companies while he was advancing health-related legislation which could directly impact these companies' profitability. Congressman PRICE's financial disclosures show that he has purchased stock in medical device companies, leading pharmaceutical companies, and medical equipment companies. He also led a number of legislative efforts to restrict or delay implementation of several Medicare programs that would have impacted reimbursement for these very industries.

I don't know who Congressman PRICE is working for. Is he working for the American people or is he working for the powerful corporations to help advance his financial interests and his investments in them? This ethically questionable activity raises too many unanswered questions about his professional judgment and his ability to fairly lead a department that is charged with protecting the health of all Americans.

Even more troubling are reports that he had access to a special private deal to buy discounted stock in an Australian biomedical firm, Innate

Immunotherapeutics. Reports show he received this special deal from his colleague in the House, Congressman CHRIS COLLINS, who sits on the company's board and is their largest investor. I sent a letter asking Congressman PRICE to explain his relationship, his involvement with Innate Immuno, and how his relationship with Congressman COLLINS influenced those purchasing decisions, but he hasn't responded. His financial dealings raise serious concerns about potential STOCK Act and insider trading law violations. That is why I have called on the U.S. Securities and Exchange Commission to investigate his stock market trading activities. These questions must be answered and his stock trading should be fully investigated before the Senate is able to adequately consider his nomination. Yet we are probably hours from the vote without all the information.

While there are so many unanswered questions about Congressman PRICE's ethical judgment, there is a lot we do know about his record as a politician that is deeply concerning.

We know Congressman PRICE wants to end Medicare as we know it and raise costs for our senior citizens. Medicare is a promise, a promise to current and future generations that guaranteed health care will be there for them when they need it. Congressman PRICE wants to break that promise, that promise to millions of seniors across this country. He has spearheaded proposals that would convert Medicare into a voucher system, essentially privatizing Medicare. He also supports raising the eligibility age for participation in Medicare, forcing hard-working Americans to wait to receive the benefits they have already earned. His dangerous proposals would force seniors to pay more and would jeopardize guaranteed access to the Medicare benefits they have today, but we don't need to take my word for it. Listen to the thousands of Wisconsinites who have written to me just since the start of this year, urging me to oppose Congressman PRICE's confirmation and to fight against any efforts that would take away their Medicare benefits.

Richard from Fond du Lac, WI, is just one of those Wisconsinites. Richard and his wife are now retired and on Medicare. He wrote to say:

We both spent decades in teaching and while we knew we would never get rich, we believed we were doing important work with our students.

Both of us felt secure in knowing that Medicare would be there for us when we left the profession and moved on to our retirement years.

Richard cannot understand why politicians like Congressman PRICE are proposing to fundamentally change a system that has worked well for decades. He told me: "Now we feel as if our world is being turned upside down."

Congressman PRICE's views are not only out of touch with America's seniors, but they are also, interestingly, in

conflict with President Trump's promise not to cut Medicare. PRICE's legislative record also conflicts with President Trump's public commitments to improve this program by allowing Medicare to negotiate lower drug prices for our seniors. Just this week, the White House confirmed the President's support for this proposal again. Yet, during his hearing before the Senate Health Committee, Congressman PRICE refused to answer my questions when I repeatedly asked him if he would commit to standing with the President and with American seniors by supporting Medicare negotiation of better prescription drug prices. We don't know where he stands on this issue, but we do know Congressman PRICE does not stand with seniors, and he does not stand for protecting the guarantee of Medicare coverage that our families rely on.

We also know that Congressman PRICE does not stand for the millions of Americans who rely on the health care coverage and protections available under the Affordable Care Act. Congressman PRICE almost personifies the Republican agenda and battle to repeal the Affordable Care Act and all of its benefits and protections, which would force 30 million Americans to lose their current insurance through participation in the program. He has led the effort in the House to take away guaranteed health care coverage and has championed dangerous measures that would put insurance companies back in charge of health care and lead to higher costs and more uncertainty for American families. Congressman PRICE's agenda is putting the health care coverage of over 200,000 Wisconsinites at risk.

I wish to share the story of Sheila from Neenah, WI. She is a small business owner and relies on the premium tax credits that helped her purchase her health plan through the marketplace. She wrote:

I just wanted to let you know how devastating it would be for my family if the Affordable Care Act is repealed. To take away the subsidies would pretty much turn the plan into the Unaffordable Care Act.

Sheila said that premium tax credits under the law have made it possible for her to buy decent insurance for the first time in her whole career.

I am listening to Chelsea from Shelby, WI. Her daughter Zoe was born with a congenital heart defect. At just 5 days old, Zoe needed to have open heart surgery. Chelsea said:

The Affordable Health Care Act protects my daughter. . . . I'm pleading to you as a mother to fight for that and follow through on that promise. There are so many kids in Wisconsin with heart defects (as well as other kids with pre-existing conditions) that are counting on you to protect that right.

I am listening to Maggie, who attends college in DePere, WI. Maggie was diagnosed with cancer in 2015. Thanks to the Affordable Care Act, she was able to stay on her parents' health insurance, which covered most of her

care. The Affordable Care Act also ensured that Maggie did not face lifetime limits on coverage for her multiple rounds of chemotherapy and radiation. Thankfully, Maggie is now cancer-free, but Maggie is terrified—terrified that if the law's benefits are repealed, she could face a situation where her chemo isn't covered if she ever needs it again. She also fears being denied coverage because of her preexisting condition or not being able to stay on her parents' plan.

During my time serving in the House of Representatives, I championed the provision in the Affordable Care Act that allows young adults like Maggie to remain on their parents' health care plan until age 26. Congressman PRICE would take that away, as well as other protections that Maggie relies on, and instead go back to letting the insurance companies decide what to do.

During his HELP Committee hearing, I asked him directly if he supports the current requirement that insurance companies cover young adults until age 26. Essentially, he refused to answer my question but instead said that he trusts insurance companies to do this on their own. He said: "I think it's baked into insurance programs."

Our future leaders like Maggie can't afford to take his word for it that insurance companies will choose to protect their care. The stakes are too high when it comes to accessing the life-saving health care for cancer or other serious conditions.

As I travel my State, I listen and I hear the voices of people who are struggling. Too many people feel that Washington is broken and it isn't working for them. People are scared because they can't make ends meet and provide a better future for their children. We need to change that. Our work here should be focused on making a difference in people's everyday lives.

I am concerned that if confirmed as Secretary of Health and Human Services, Congressman PRICE would make it harder for people to get ahead. I am concerned that he will work with special interests who already have too much power here in Washington instead of working for the Wisconsin families I was sent here to serve.

For all these reasons, Congressman PRICE is not the right choice for Secretary of Health and Human Services, and I urge my colleagues to oppose his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mr. SASSE. Mr. President, I say thank you to my colleague for yielding to me a little bit out of line.

I think one thing we don't do nearly a good enough job at around here—and not just in Washington, DC, but in schools across America—is reflect on the basic civics we have inherited and the constitutional structure of checks and balances and why we have a limited government. I think Judge

Gorsuch's nomination to the Supreme Court and, frankly, more narrowly, the media cycles of today, give us a special opportunity to pause and to do a little bit of civics again.

Judge Gorsuch is tough, smart, fair-minded, independent, and he is a person who has taken an oath of office to a Constitution of limits. That is exactly the sort of thing we should be affirming and celebrating around here. I think that everyone on both sides of the aisle in this body should be celebrating Judge Gorsuch and what he believes about a constitutional system that has limits. And defending your own branch—the Founders envisioned a world where these three branches would be jealous of their own prerogatives—defending your own branch is not to attack another branch.

As I read the media reports this morning of who said what to whom and who shouted at whom and who argued about what, what if we just paused and reflected again on what it means to believe in a constitution that has three separate but equal branches that are supposed to check and balance one another?

After seeing some media reports this morning, I looked and I happened to have on my desk the breast-pocket card that was in my suit 2 days ago when I met with the judge, and I asked him about the comments coming from the White House criticizing a so-called judge. I wish to share with this body some of the comments the judge made to me when I asked him what he thought about the criticism of the so-called judge, because we don't have so-called judges, we don't have so-called Presidents, and we don't have so-called Senators; we have people from three branches who have taken an oath to a constitution.

So here is some of what the judge told me when I asked him what he thought about those comments. He got a little bit emotional, and he said that any attack or any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge.

I think that is something this body should be pretty excited to hear someone who has been nominated to the High Court say.

He said that it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary. He said that it is completely legitimate for all of us to vigorously debate individual opinions. We should argue about opinions. We can argue as citizens about cases. We can argue in this legislative branch or the executive branch can argue about the merits of particular opinions and yet we want to affirm the three branches.

So he said it is disheartening for us to do anything that would undermine that.

He then pointed me back to his comments at the White House the night he was nominated, and so I went back and

looked at his comments, and the very first people he thanked when he had been nominated to the Court were—he said: I want to celebrate the judges of America who are the "unsung heroes of the rule of law" in this country. He called the judges "unsung heroes of the rule of law."

He said: An independent judiciary has got to be tough. It is not my job as a nominee to the Court and it is not the job of any other judge to comment on particular cases, and it is not the job of judges to play politics or to hold press conferences talking about politics, but we can recognize that historically the other two branches are often wary of times when the Court asserts its prerogatives.

He said: For instance, Thomas Jefferson didn't like *Marbury v. Madison*, and it was completely legitimate for President Jefferson to criticize and argue about the merits of the *Marbury v. Madison* decision even as we do the important civics work of reaffirming these three separate but equal branches.

Frankly, I think that everybody in this body ought to be celebrating the nomination of a guy who is out there affirming three separate but equal branches and the independence of the judiciary. We should want to see the executive branch checked, and, frankly, if we really love America, as I know people in this body do, we should want to see our own powers limited because it is fundamentally American to be skeptical of the consolidation of power.

Our Founders divided power and checked and balanced each of the other branches because they were skeptical of what people in power might ultimately do.

Sadly, there are some on the other side of the aisle today—and I think many are going to give him a fair shake, but there are some on the other side of the aisle who decided they want to reflexively attack Judge Gorsuch. So it is like the Keystone Kops trying to run around and figure out which story you want to label him with. I hear some people saying: Well, Gorsuch was nominated by this President and a bunch of people don't like this President; therefore, he couldn't possibly be independent, he would be a puppet. There are other people saying in these private meetings allegedly Gorsuch has rented a plane and taken out a sky-writing script and he is out there saying "I hate Donald Trump. I hate Donald Trump." That is nonsense. Neither of those things is true. He is not a puppet, and he is not out there attacking the President of the United States. He is meeting with us, trying to explain his view of an independent judiciary. He is trying to affirm the same constitutional oath of office that all of us in this body have taken.

I think it is high-time in this body that we get beyond reflexive partisanship of "Republicans are for Republicans if they have the same label" and "Democrats are against Republicans"

and vice versa. Our job fundamentally in this body is an oath that we have taken to three separate but equal branches. I think what we are hearing in these private meetings with Judge Gorsuch and what I am sure he is going to say when he speaks for himself publicly before the Judiciary Committee—what we are hearing from him is a guy who believes in three separate but equal branches and is skeptical of the consolidation of power because he understands why America has limited government. That is the kind of person we should be celebrating having been nominated to the Court.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am here to speak about Mr. PRICE, but I want to respond to my friend the Senator from Nebraska.

I appreciate very much the independence the Senator has shown in his tenure in the Senate. My hope would be that his comments about civics, his comments about our three branches of government—I hope we will take that speech and actually send it down to 1600 Pennsylvania Avenue because I concur with him. I concur with him about the basic civics lessons he laid out. I concur with him about three equal branches of government. I concur with him about the fact that I look forward to hearing from Judge Gorsuch and having my chance to view him.

But I would also think that in any kind of objective analysis of what our country is going through right now, we have currently a President of the United States who—I have real questions whether he has read that document, the Constitution, whether he understands the basic tenets of three coequal branches.

We saw his activities during a campaign where he called out a judge because of his ethnic heritage and somehow impugned that judge's independence. At some point, he walked that back, and perhaps those of us who were kind of scratching our heads thought, well, that is just during the campaign, and candidates do strange things during the campaign.

Then we saw the President get elected, and we saw throughout a transition period decrees by twitter that are, again, unprecedented in modern activity. I know the President wants to be a disrupter, but there is some level of comity and some level of civics and some level of recognition of coequal branches that—candidly, when the President of the United States attacks a judge because he doesn't like the ruling in a way that calls into substance not the substance of the ruling but the very nature of the judiciary, I think all of us—and I know the Senator from Nebraska would agree with this—all of us need to sit up and say this is not what the Founders intended.

I look forward to giving Judge Gorsuch and everyone else the President might nominate a fair look, a fair appeal, and then making a judgment on

whether I think one of the most important positions—a lifetime position of serving on our Nation's highest Court—whether he is appropriate or not. But this President makes that case harder for his nominee when he shows such blatant disregard of the fundamental basics of our Constitution.

I would be more than happy and glad if we would all dial it back a bit, but we are in uncharted territory in a way that, as somebody who believes every bit as much in the Constitution as the Presiding Officer does, it makes me very concerned about making sure we maintain those basic liberties, making sure we have a government that can live within its means, making sure we maintain the independence of the judiciary, the independence of our legislative body, and an Executive who knows there are limits on Presidential powers.

I appreciate his comments and particularly appreciate the fact that through his tenure in the Senate, he has shown a level of independence. I have taken some hits from my own team for showing similar levels of independence. I commend his words, but I do hope that those words would actually make their way down to 1600 Pennsylvania Avenue. I am curious to see what the President's tweeting response to that speech would be.

Mr. President, I did come here, though, today to rise and talk about a need that Virginians and, for that matter, Americans have, about a health care system that is affordable and accessible and provides high-quality health care.

I voted for the Affordable Care Act back in 2010, and I have acknowledged, I think along with many of us, that just like every major reform—just like Medicare and Social Security and Medicaid—Congress never gets it 100 percent right the first time and that Congress needed to revisit and improve certain aspects of the ACA.

As anybody who serves in the legislative body knows, you have to have partners in order to get to yes. Unfortunately, that is what we have heard from folks on the other side for the last 7 years. We have heard all the critiques, we have heard the screech of repeal, but we have not heard any kind of plan on what you replace.

The fact is, like it or not, ACA has played a critical role in driving health care innovation, protecting consumers, and reducing overall health care spending. Those are just facts—not alternative facts, not alt acts; those are just facts. The increased coverage to more people now makes it all the more difficult to find some way to repeal and maintain all the things that people liked, yet replace it with a plan that is actually more cost-effective.

So today we consider a candidate for Secretary of Health and Human Services, the lead Cabinet member who will oversee our critical health care programs. Congressman PRICE has advocated for dismantling the ACA, and he

has made it clear that, as Secretary of HHS, he would seek to implement policies that, I believe, will make health care more expensive and less accessible to Virginians.

Today, after a great deal of reflection, I join my colleagues in opposing Congressman PRICE's nomination to be Secretary of HHS. And rather than going through the statistics and facts—I know I have other colleagues who want to speak—I want to reflect briefly on a couple of stories I have heard from Virginians.

One of the things that was a benefit but I don't think folks have focused on enough is that the ACA, with all its challenges, did allow people freedom from the trap of being caught in a dead-end job that they couldn't move from because of the fear of losing their health care benefits. This was the first move toward an affordable benefits system, something I think we are going to have to move beyond health care to retirement and other aspects, as well, as more and more workers work not in traditional full-time and long-term employment, but more and more—one-third of the workforce today already is in some form of contingent work: part-time work, independent contractors, gig work. They have no benefits, other than the fact that through the ACA they are able to maintain health care. The ACA has actually reduced this phenomenon of "job lock."

A couple of weeks ago, I met Andrea in Richmond. She always dreamed of opening a software business, but she and her business partner were considered uninsurable because of preexisting conditions. The ACA changed everything. After obtaining insurance through the exchanges, Andrea and her business partner were able to take that risk. Today, that successful company has a staff of 12. As Andrea said: "Simply put, my business would not exist without the security the Affordable Care Act provided."

The coverage gains we have seen are remarkable. That is clear from hundreds of Virginians who have contacted me with stories like Andrea's. In fact, never before in our Nation's history has the rate of uninsured dropped below 10 percent. In Virginia, a State where our legislature unfortunately would not expand Medicaid, we have still seen an uninsured rate drop from 15 percent to 9 percent, and 327,000 Virginians got additional coverage. This is especially true in rural areas.

Nationwide, the ACA lowered the percentage of uninsured by eight points in rural communities. Rural communities often struggle with hospitals that, without ACA, would be on the brink of financial extinction.

Here is another quick example from Janet in Mosely, a rural area south of Richmond, who grows and sells organic vegetables to support her family, which includes four children. She said:

We went through various attempts to manage the cost of health insurance and health care in our finances before the ACA—with no



good results. [Because of ACA], we have been able to have an appropriate plan, with a realistic deductible, access to quality doctors, and be able to go to preventative care annual appointments. We are quite fearful about what life and business may be like without the ACA, or an improved-upon version of the ACA. A repeal would be disastrous.

Unfortunately, not only has Congressman PRICE strongly opposed the ACA, but his plan—or what framework of a plan you see—and other proposals dramatically scale back the individual market reforms that allow people like Andrea and Janet to obtain meaningful coverage. As our workforce becomes more mobile than ever, Congressman PRICE has said people should have access to care, but access to care without affordable care isn't true access.

For example, if you got rid of the ACA with no plan to replace it, we would see the reinstatement of lifetime and annual limits on coverage. They are what turned getting sick into a financial calamity for so many people. Plans would be required to cover far less in terms of conditions, moving away from the ACA's promise that insurance is worth more than the paper it is written on.

As I mentioned already, the close to one-third of the workforce that is already in some level of nontraditional work and doesn't work full time in a long-term employment facility would lose that flexibility to move from job to job.

We have also heard from Congressman PRICE plans to block-grant, for example, Medicare. We in Virginia have a very trim Medicaid program. We have also not expanded Medicare, which I think was a grave mistake of the legislature. The Governor and I agreed we should expand it. Putting a Block Grant Program in place for Virginia would be a disaster in terms of Medicaid. As well, Congressman PRICE has voted against the Children's Health Insurance Program, the CHIP program, one of the things I was proud to expand in Virginia, where we ended up signing up 98 percent of all eligible children. Congressman PRICE called the CHIP program "government-run socialized medicine." What he didn't say is what he would say to the 200,000-plus kids in Virginia who get their health care coverage through CHIP.

So I believe that Congressman PRICE's approach—whether it is on Medicaid block-granting, whether it is on the ACA, whether it is on the CHIP program, whether it is his failure to come up with a sufficient plan to provide access and affordability—means that if we go forward with his nomination, the kind of chaos that would be created if you repeal the ACA without a replacement plan in place will not only affect the 20 million-plus Americans who got health care coverage through the ACA but literally everyone else because it will absolutely pull the bottom out of the overall insurance market. These are chances that we can't take.

I have a series of other stories, but I see my friend the Senator from Con-

necticut, who spent a great deal of time on this issue back when there weren't that many people coming to the floor to defend the ACA. I guess it is better to be early and right, but Congressman Murphy has been a great leader on this issue. He was here, as I mentioned, on the floor, when many of us were active in other activities, an absolute native of the ACA, when we went through the bad rollout. But what we have seen in America, as we get closer now to the reality of the new administration, is that the new majority wants to actually repeal this program without fixing it—simply repeal. I think his forewarnings about what would happen are all coming to pass.

I will personally be opposing the nomination of Congressman PRICE to be Secretary of HHS. I hope my colleagues will join me.

I do want to yield the floor to the Senator from Connecticut, who has been such a great leader on this issue.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am going to be brief. I want to build on some of the comments Senator WARNER made. It is unclear what President Trump's position is on repeal and replacement of the Affordable Care Act. He has made all sorts of commitments all over the map, suggesting that he wants to deconstruct the act in full, suggesting that he wants to keep some elements of it, making promises that whatever comes next will be just as good, will be better than what consumers have today.

I think what you are going to hear consistently from our side is a willingness, a desire, an enthusiasm to engage in a conversation with Republicans about how to strengthen our health care system, how to repair the parts of the Affordable Care Act that are broken, but keep the majority of that legislation, which is delivering lifesaving care to people as we speak, and not descend into health care chaos by repealing this legislation with no plan for what comes next.

The genesis of our opposition, of my opposition, to TOM PRICE's nomination to be the Secretary of the Department of Health and Human Services is that he has been, in the House of Representatives, the face of the Republican effort to repeal the Affordable Care Act with absolutely no plan for what comes next.

There were many other choices that could have been made for selections to head the Department and lead the conversation about the Affordable Care Act and its future that could have signaled that we were going to have an ability to come together. But when I was a Member of the House of Representatives, I watched my colleague, TOM PRICE, be the leader, the face of the campaign to repeal the Affordable Care Act, with absolutely no replacement, which would descend our entire health care marketplace into chaos.

That is chiefly why I stand here in opposition to his nomination today. He

did offer a token plan to replace it, but it had nothing of value to the people of Connecticut. It would have repealed Medicaid expansion with no plan for what came next. It would have repealed the insurance protections for people who are sick with a \$3 billion high-risk pool that would never have met the needs of those who have serious illness and disease and who cannot find insurance.

Our worry is that we are on the precipice of repealing an act which has saved thousands of lives, which has insured 20 million people, and the results will be health care chaos for everyone, whether they are on the Affordable Care Act or not.

TOM PRICE has been the face of the repeal effort in the House of Representatives. He has been the face of the irresponsible position of getting rid of this law with nothing that comes next. And it simply doesn't give us confidence that there is going to be a rational bipartisan conversation about how to improve our health care system.

This isn't politics. I just want to underscore the point that Senator WARNER made. This isn't about scoring political points. This isn't simply about numbers. This is about human lives that are affected if TOM PRICE gets what he has been asking for during the last 6 years, which is a full repeal of the Affordable Care Act without any plan for what comes next.

This is a picture of Mark and his family from Westbrook. This is a picture of his daughter Dominique. Dominique has a profound intellectual disability. She also has cerebral palsy. She doesn't have the use of her left arm. She walks with an unsteady gait. She also cannot chew food, so she takes liquid nutrition. But she has an amazing spirit. She loves school. She loves music. She loves singing to Disney movies. She plays soccer, buddy baseball, and rides a horse for therapy, but Mark and his wife used to spend \$40,000 a year out of their own pocket for her care. The Affordable Care Act saved this family from potential bankruptcy. The Affordable Care Act now, through Medicaid expansion, allows Dominique to get care that is socially insured. And Mark asks:

After all, who are we as a people and a country if we cannot take care of those who for no fault of their own cannot take care of themselves? Dominique didn't do anything wrong, she was born this way and deserves to have a fulfilling life.

That is the whole concept of insurance: The idea that we should socialize the cost of caring for kids and adults who, through no fault of their own, get sick. But without the Affordable Care Act, this family bears the burden of caring for Dominique by themselves. And there is no replacement. There is no plan on the table today—certainly not TOM PRICE's reputed replacement plan in the House of Representatives—that offers any help to this family if the Affordable Care Act goes away.

Let me introduce you to one more family. This is a picture of Angela. She

is hiding here—Angela from New Canaan. Angela is 49 years old. She was diagnosed with stage IV breast cancer in 2015. The good news is that Angela is winning the fight against breast cancer, but she would face the inability to get health care insurance if not for the Affordable Care Act because if this family ever lost continuous care, they would be uninsurable. So the protections built into the law allow them to pay reasonable prices. She says:

Would President Trump or any member of Congress who voted to repeal the ACA be willing to write to my 12 and 9 year old boys, and explain to them why they let their Mommy die? I doubt they even give a damn.

I don't think she is right on that. I think that everybody in this Chamber cares about this family, but it is a reminder that there are really personal consequences for millions of Americans if TOM PRICE, as the leader of the Department of Health and Human Services, leads a campaign to repeal the Affordable Care Act without any replacement.

We talked about the damage that will be done to these families, but for the entire marketplace, there is nothing but chaos if TOM PRICE gets his way. I opposed his nomination right from the start because I knew who he was in the House of Representatives. I knew that he had led this campaign of health care destruction for families like those that I just described.

Frankly, his hearing just compounded my worries. These ethical lapses that have been raised over and over again just draw even more question as to whether he is going to use this position as the head of the Department of Health and Human Services to protect and advance the health care of my constituents or he is going to use that position to enrich himself and his family.

Those are serious accusations. I get it, but these were serious ethical lapses that were uncovered, not by us but by an independent journalist raised as part of these hearings. I would hope this body would consider rejecting TOM PRICE's nomination so we can find someone to lead that agency and lead our conversation on the floor of the Senate about the future of health care, so that instead of continuing what has been a bitterly divisive issue over the last 6 years, we can finally find a way to come together and answer Angela's concerns that Donald Trump and the Republicans who support him don't care about her and her family, are willing to let her die.

I don't think that is true, but by putting someone in this position as the head of the Department who has campaigned on repealing this act, taking away from Angela the protections that allow her to succeed and to live and to continue to beat cancer, without any idea for what comes next, it suggests that the division will continue and catastrophe will be in line for families like hers.

I will oppose this nomination. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, as I said before, we should not be holding up any of the President's nominees. There is far too much work to be done, but I think that is especially true for the man whose nomination is before us today, the next Secretary of Health and Human Services, Dr. TOM PRICE, who I am happy to say has my full support.

It is especially important that we confirm Dr. PRICE because, as we all know, our health care has undergone some serious turmoil as of late. This was undoubtedly caused, at least in part, by the rolling calamity of ObamaCare. You can step back and you survey the wreckage, and it is sobering to see what that law has left in its wake: double-digit premium hikes, very high deductibles, and millions of canceled plans.

For all the fanfare over the law's passage, and all the arguments that followed, it seems we have forgotten the person who matters the most, the patient. That is what the next HHS Secretary is facing, a Herculean or perhaps you might say a Humpty-Dumpty-like task of picking up the pieces and rebuilding our health care system from the ground up.

So as we consider this nomination, I think it is appropriate to ask ourselves: If we need someone who will focus on the needs of patients, why not pick a doctor? Dr. PRICE was an orthopedic surgeon in private practice for nearly 20 years. He taught and trained young doctors personally. So when he hears the phrase "quality, affordable, personalized care," it is not an abstract notion to him. It is not something he dreamed up in the Halls of Congress because he himself has provided just that kind of care to real people.

When we repeal and replace ObamaCare, we have to avoid the kind of thinking that gave rise to it. We need someone with on-the-ground understanding of what it takes to care for patients, someone who knows what it is like to stand at a bedside with a patient comforting her in a confusing and frightful moment.

Dr. TOM PRICE is that man. TOM PRICE is also my friend. We served together in the House of Representatives. He is a good man. That is why, during his time in public service, he has earned the respect of his colleagues as he has worked his way up the ranks: chairman of the Republican study committee, chairman of the House Republican policy committee, and, most recently, chairman of the House Budget Committee.

He has studied our health care system from top to bottom, and he is no stranger to the health care battles the last 8 years. You could say his chief qualification for the job of replacing ObamaCare is he had the good sense to oppose it in the first place, but TOM PRICE did not just vote no.

Contrary to what you have heard from the Democrats, he also offered his own alternative, the Empowering Patients First Act. You may or may not like that bill, but I think you have to admire that he was willing to make a serious proposal. That is the kind of leadership we need at the Department of Health and Human Services.

I want to express my support for TOM PRICE's nomination to be the next Secretary of Health and Human Services. I urge all Senators to vote for his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Virginia.

Mr. KAINE. Mr. President, I also rise to speak about the nomination of Congressman PRICE as HHS Secretary. I will oppose his nomination, principally because he has been an opponent of virtually every program that provides health care access to people with modest means in this country: Medicare, Medicaid, the S-CHIP program—which he called socialism—Planned Parenthood, which is the primary health care provider of choice for millions of women, and the Affordable Care Act.

There is much to talk about, but I am going to focus my comments today on his repeated promises to repeal the Affordable Care Act. Repeal of the Affordable Care Act would be very unwise. It would be heartless, and it would be economically foolish. The Virginia stats are instructive. In Virginia, 179,000 Virginians have been able to enroll in Medicaid since the ACA was passed—an additional 179,000—and nearly 380,000 Virginians have been able to get coverage through the marketplace.

We have not done the Medicaid expansion program. If we did, another 400,000 could receive care through the ACA. Nearly 4 million Virginians have protection against discrimination on the grounds of preexisting health conditions. They have such conditions, and they could be turned away from insurance companies, as they have been in the past, as my own family has been.

Before the ACA, only those with employer coverage got tax benefits to help pay for health insurance. Now, 320,000 moderate- and low-income Virginians get tax credits averaging \$275 a month to help. In addition, there are nearly 5 million Virginians with employer-sponsored insurance, and over 800,000 Virginians would lose access to free preventive care under Medicare if the ACA were to be repealed.

Nationally, a repeal of the ACA—under an estimate of the Urban Institute—would cause 30 million people to lose their health insurance. That is the combined population of 19 States.

We had a hearing last week in the Senate HELP Committee about the Affordable Care Act. It was called, by the majority, "ObamaCare Emergency." I asked the witnesses, Democratic, Republican, and of no political identification—I asked them: Would a repeal of the Affordable Care Act with no replacement be an emergency? All of the

witnesses agreed that it would. One of the witnesses said it is more than an emergency, it would be a catastrophe.

So then I asked those witnesses—again, bipartisan witnesses: OK. We shouldn't repeal it. That means we should fix it or repair it or reform it or improve it. Should we do a fix or improvement hastily, carelessly, and secretly or should we do it openly, publicly, carefully, and deliberately?

They all said: Of course, we should not rush. We should get this right. That is why many colleagues on our side have asked Republicans to sit down with us and let's make improvements, but don't push people off of health insurance.

It would also lead to a significant economic catastrophe for hospitals, for providers, to have a repeal and not know what comes next. Remember that health care is one-sixth of the American economy. If you inject uncertainty into that, you have consequences that we could not now predict that would be negative.

The real story is not any of these statistics, and I will pick up on what my friend, the Senator from Arkansas, said. The real story is about individuals, patients, and what happens. Three weeks ago, I put on my Web site a little section, [kaine.senate.gov/acastory](http://kaine.senate.gov/acastory). I asked people to submit what it would mean to have a repeal of the Affordable Care Act.

To date, I have had 1,654 submissions of what it would mean to them. We have been able to follow up on some of them and get permission from some so I could read their stories on the floor. So during the remainder of my speech, I am just going to tell you what a repeal of the ACA would mean to people all over my Commonwealth.

Michael Dunkley lives in Alexandria VA.

I was diagnosed with advanced Stage 4 non-Hodgkin's lymphoma cancer in October of 2013 and was put immediately on an extremely powerful 5-component chemotherapy treatment program that would conclude in late January, 2014. My medical insurance coverage at the time of my diagnosis was under the terms of COBRA, and my monthly premium was \$875, with a \$7,500 deductible and a \$15,000 out-of-pocket limit.

My COBRA coverage expired at midnight on December 31, 2013, and was immediately [able to be] replaced [because of a] plan that I had been issued through the provisions of the . . . Affordable Care Act. Because of the new law, I could not be denied coverage due to a pre-existing condition (advanced cancer), and I was issued a new plan that was far superior in coverage and cost me only \$575 a month, with zero deductible and an \$1,850 out-of-pocket limit. 3 days after receiving my new health insurance coverage, I was infused with my 5th-round of chemotherapy, for which I was charged \$35,000. Near the end of January, 2014, I received a 6th-dose of chemotherapy and was billed another \$35,000. . . . I was given a PET-CT nuclear scan that cost \$5,000, and 1 week after that, on February 14, 2014, my wife and I were told by my oncologist that my advanced cancer [was now in] complete remission. As I am the sole caregiver for my wife, who has advanced Multiple Sclerosis, the news of the cancer's

remission was a life-saver for her as well as myself.

Had it not been for the Patient Protection and Affordable Care Act, I would not have been able to purchase [my] health-care insurance, for any price, due to my pre-existing condition of having cancer. Had it not been for the income subsidy, I would have not been able to afford to pay the premium for a superior plan, a plan which saved my life. Thank you, President Obama, and thanks to every member of Congress that voted in favor of the lifesaving Patient Protection and Affordable Care Act.

Patricia Mills, Virginia Beach.

My daughter, who has Lupus, and her husband, who has juvenile diabetes have been struggling for the last six years to keep their conditions under control. They have a gifted seventeen year old daughter who has been in the IB academy in Virginia Beach, and have had to sell their home to pay off debts due to complications from their illnesses. My husband and myself have made our home their home, but their struggles have continued because of the enormity of their medical expenses.

Since they have been able to enter the Affordable Care Act for their insurance, they have been able to stabilize their lives financially. If the Affordable Care Act is repealed, I don't know what will happen to them. Insulin is extremely expensive and so are the supplies to inject and check blood sugar to keep my son in law alive. There is NO option for a diabetic to turn to to get life saving insulin a diabetic individual needs who works hard every day, but falls above the Medicare threshold. We are living in terror at the thought of a repeal.

Justine Jackson, Radford:

As I type this, I am currently sitting in the office of the Community Health Center of the New River Valley. I am 25 years old and the last doctor I had seen until today was my pediatrician. Like many struggling Americans, I cannot afford insurance and rely on low income/free clinics to receive preventive care. The ACA helped programs like the one at the Community Health Center [clinic] with funding.

We cannot afford to lose clinics like this one with cuts to funding public health. Americans should not be denied health care. We should not have to file for bankruptcy for becoming sick or avoiding a doctor all together because it costs too much. The Affordable Care Act should be revised, not repealed. If Congress repeals the ACA, 20 million Americans risk losing insurance. That's 20 million Americans that may stop going to doctors because they can't afford it. I plead to Congress to care about your fellow Americans and give us health coverage that is affordable or, better yet free. Seeing the doctor should not revolve around a choice between going hungry or not.

Gabriella Falco, Alexandria, VA:

Senator Kaine, my name is Gabriella, I'm a 26-year old full-time student studying what she loves. I work part-time in my field of study and make some money to live on, but my school expenses are all covered by student loans. When I was 22, fresh out of college and unemployed, I was diagnosed with hyperparathyroidism and many severe kidney stones. To prevent kidney failure or worse, I required multiple surgeries, all of which were covered by my parents' insurance through the Affordable Care Act. Ever since, I have had twice yearly check-ups and ultrasounds, as well as some scares with my kidneys. There is no explanation for my medical history. All the doctors can do is monitor and treat it when troubles arise.

When I turned 26, I chose my own healthcare plan through the ACA. As I am a

student, I have no way of working full time for benefits. The ACA has allowed me to live and safely and affordably monitor and treat my kidneys while finishing my master's degree. Were it not for the ACA, I fear my health would become a choice between death or bankruptcy. I don't know what I'll do if I lose my health care. I could not afford it without the ACA. I will fight for you, Senator Kaine, and please fight for me and my health in Washington.

Corwin Hammond, Williamsburg, VA:

Senator Kaine, Before the ACA, my wife and I did not have nor could we afford medical insurance. My wife is a business owner and I'm a pastor of a small church in Toano, Virginia. I left my . . . state job that provided full benefits, because the ministry needs in my community were so great. I am grateful for this legislation that has allowed us to have peace of mind in knowing that we are covered and able to visit the doctor without going bankrupt. Why not just fix the components that need repairing; instead of throwing millions of hard-working Americans to the wolves. We deserve better. How about the congress and senate repealing their health care and leaving ours alone? Thank You, Corwin Hammond.

Sarah Mullins-Spears, Prospect, VA:

Senator Kaine, I have one perfectly imperfect child. He has not one but two "pre-existing" conditions. . . . He was diagnosed with Asperger's Syndrome . . . and he was also born with a unicameral bone cyst, a hollow bone. . . .

That affects one in four children.

This year we were able to purchase our lifelong dream. . . . A family farm. . . . 18 PERFECT acres of peace and promise. This summer we endured a medical ordeal we could have NEVER imagined. . . . My son broke his arm, due to the cyst, for the 4th time in less than 3 years. . . . And we were finally approved for surgery to place a titanium rod through the cyst that would prevent any further breaks. On July 26th the surgery was successfully completed and the next day we were released with instructions on pain management and to not remove the surgical bandages for 3 days. On July 30th we removed the bandages to find a hot, swollen, bright red nightmare. We were readmitted to the hospital. . . . I wasn't truly afraid until I saw the face of the same nurse that discharged us that night. . . . she was fighting back tears. . . . Over the next 3 days there were 2 additional surgeries including a PICC line, and after 6 days we were released to home health care. . . . Suddenly I was a health care provider, every 8 hours a dose of antibiotics had to be attached to the PICC line, it took approximately 90 minutes to administer, and then the line had to be cleaned and prepped. There was NEVER a 6 hour window that I could be away from my child. . . . Which meant I was not able to work the 6 hour schedule at my part time job. Which means after the second week I was let go, told I could reapply when I was ready to come back to work. . . . On August 26th my son slept for almost 20 straight hours and then woke up vomiting and with a fever. . . . So by lunch we were readmitted to the hospital again. . . . The next day while in the hospital he broke out in a mystery rash from head to toe, and had a white blood cell count of a chemo patient. For me this was the worst, because no one, not even the consult from UVA infectious diseases, knew why. After 3 days, with the WBC count trending up and more research, the leap of faith was decided to end all antibiotics and see if they were the cause for the reactions. They were and by October my child was declared healed and eligible to start school. . . . Almost 5

weeks after he should have started his first day of middle school. . . . By then the bills had also begun to arrive . . . Daily. The first bill from the hospital was \$105,547.12 before insurance and over \$12,000 with benefits. We are still receiving bills and our pre insurance totals are well over \$750,000 before insurance. . . . BUT because of ACA we were capped at \$7,500 out of pocket. This means \$231 a month for 24 months which has an impact on our family but it also means we can still afford our mortgage. I wake up every morning thankful for my healthy child and amazed that we live on this tiny piece of heaven. ACA made that possible for us. I have kept all bills, x rays, and documents related to our journey.

Sasha Baskin, Richmond:

When I was seventeen I discovered I had a rare and highly aggressive tumor in my jaw. It took three experimental surgeries to remove and replace the tumor with a metal implant and bone graft. I was fortunate enough to be dependent on my parents' insurance when this medical event first took place. With the Affordable Care Act I have been able to stay on my parents' insurance into college and graduate school and maintain my health status through regular doctors' visits. I require a yearly check-up to make sure that the medical implant is intact and that the bone graft is growing successfully. Within the next 5-10 years I will need another surgery to replace the metal implant with new technology. If the implant breaks or I have any kind of accident that injures my jaw I will require emergency surgery and most likely to have my jaw wired shut. I will turn 26 in October and no longer be eligible to be on my parents' insurance. Thanks to the affordable care act I can rely on being able to maintain affordable insurance and feel comfortable about my health. I can trust that I will not be turned away due to my pre-existing condition of a metal jaw and history of aggressive tumors. I can be sure that I will not reach a lifetime limit of coverage when I need another surgery, (or if the worst happens and I need to have emergency surgery). When the doctors first found this tumor when I was seventeen, they told me not to go to college because I needed so many surgeries. I was planning to attend art school in Maryland, my parents lived in Connecticut and my doctors were in Boston. I was determined not to let a medical problem control my life. I went to and graduated from college in Maryland and am now enrolled in graduate school pursuing masters of fine arts in Richmond Virginia. I rely on the affordable care act for safe and reliable access to doctors all over the country. I have been able to live my life independently because of the freedoms and access to healthcare it has provided. I am a recent Virginia citizen, but I love it here. I am proud of my representation and I hope that my story will help you work towards saving health care in our country.

The PRESIDENT pro tempore. The Senator will suspend.

Mr. KAINE. I will suspend and return following the swearing in.

#### CERTIFICATE OF APPOINTMENT

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of Senator Jeff Sessions of Alabama. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

#### CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Alabama, I, Robert Bentley, Governor of said State, do hereby appoint Luther Strange, a Senator from said State, to represent the State of Alabama in the Senate of the United States until the vacancy therein caused by the resignation of United States Senator Jeff Sessions, is filled by election as provided by law.

Witness: His Excellency our Governor, Robert Bentley, and our seal hereto affixed at Montgomery, Alabama, this 9th day of February, 2017, at 8:20 o'clock, CST, in the year of our Lord 2017.

By the Governor:

ROBERT BENTLEY,  
Governor.

Attested:

JOHN H. MERRILL,  
Secretary of State.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT pro tempore. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, Luther Strange, escorted by Mr. Sessions and Mr. SHELBY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the Official Oath Book.

The PRESIDENT pro tempore. Congratulations, Senator.

(Applause, Senators rising.)

#### EXECUTIVE CALENDAR—Continued

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have a simple unanimous consent request, but before I do, I congratulate the new Senator from Alabama. It is unusual that I have someone here taller than I am.

Mr. President, I ask unanimous consent that I be permitted to yield the remainder of my time on the issue before us to the senior Senator from New York.

The PRESIDING OFFICER (Mr. PERDUE). The Senator has that right.

The Senator from Virginia.  
Mr. KAINE. Mr. President, I would like to resume my remarks following the swearing in.

I also offer my congratulations to my new colleague.

Ann Odenhal, Richmond, VA:

On New Year's Eve, 2013, we were informed that our youngest son, Patrick, 18 years old, had Type 1 Diabetes (T1D), an incurable disease that comes with a lifetime of insulin dependence, injecting oneself six to eight times a day. The cause is unknown, it is not a lifestyle disease and there is no escaping it once diagnosed. The beta cells on our son's pancreas just stopped working. T1D is extremely dangerous and when not managed can cause blindness, kidney failure, limb loss, other

issues and death. We were knocked off our feet, numb, confused and overwhelmed by the danger and the medical requirements to stay within an acceptable insulin range. People with the disease must balance insulin doses with eating and other activities throughout the day and night. They must also measure their blood-glucose level by pricking their fingers for blood six or more times a day. Our son still can have dangerous high or low blood-glucose levels, both of which can be life threatening. He will die without insulin; he could die from too much insulin. In the midst of our fog of sadness and confusion, we remembered the ACA. "At least the ACA will be there when Patrick is on his own. He will be able to get health insurance regardless of his prior condition," was our mantra. One day, Patrick came home and announced, "Great news! The ACA allows me to stay on your health insurance until I'm 26!"

I changed my retirement schedule. I can do that. I have watched and worried as insulin prices soar. Pat takes two types of insulin, a single carton of which costs between \$400 and \$500 retail. I run the math in my head and I worry some more about lack of insurance. We are covered by my employer's insurance, which pays for most of the drugs, equipment and the additional health care he needs, but what would happen if we found ourselves without insurance? What if I lose my job? Public service runs deep in our family. My husband is a retired teacher and our older son is a policeman. It appears Pat may be moving toward nonprofit or public service work as well. Will he have health insurance? Will he have it without the ACA? I can promise anyone reading this that you know someone whose life has been or will be positively impacted by the ACA. There are 20 million people like our son, Patrick. Don't allow a repeal of the ACA. Fix the problems, work the issues, but don't play politics with our son's life.

Linda Crist, Lynchburg, VA:

I had employer provided health care for 38 years. In 2013 I lost my eyesight to macular degeneration and could no longer work. An insurance company covered me for \$695 a month (just me). With the lost income, I could no longer afford insurance. I contacted them and was told there was a new plan I could apply for. I applied and was denied due to a "pre-existing condition." You see, in 1984—

Decades before—

I was diagnosed with kidney disease. I was treated and, according to my physician, cured. The insurance company didn't care. I applied for insurance under ACA and got a silver plan that cost me \$345 a month. I was given a tax credit of \$500 monthly and I chose to only use a portion of it. The ACA saved me while I was waiting for Medicare to kick in after receiving Disability. I am sure my premium would have gone up with the ACA but it saved me when I needed it."

John Carl Setzer, Winchester, VA:

My son was born in 2009 with a severe congenital heart defect, called Hypoplastic Left Heart Syndrome (HLHS). Basically, he was born with half a heart and required three open-heart surgeries. All of his treatment is considered palliative. In 2009, he had the first two heart surgeries, in addition to another on his diaphragm. He was hospitalized for many weeks. He had insurance under my employer-based coverage. Clearly he had a pre-